

**Senator Ann Millner** proposes the following substitute bill:

**ECONOMIC DEVELOPMENT AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Timothy D. Hawkes**

Senate Sponsor: Ann Millner

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to economic development.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ renames the Governor's Office of Economic Development as the Governor's Office of Economic Opportunity (GO Utah office);
- ▶ extends the deadline by which the GO Utah office must create a database to track certain information related to community reinvestment agencies;
- ▶ modifies Utah Futures by renaming the program, moving the program under the Utah Board of Higher Education, and modifying certain requirements;
- ▶ establishes the Unified Economic Opportunity Commission (commission) to develop, direct, and coordinate a statewide economic development strategy;
- ▶ modifies the duties of the GO Utah office to include implementing the statewide economic development strategy developed by the commission;
- ▶ provides the commission authority to create one or more subcommittees related to specified issues;
- ▶ creates the following commission subcommittees:



- 26 • the Business and Economic Development Subcommittee, formerly called the
- 27 Board of Business and Economic Development; and
- 28 • the Talent, Education, and Industry Alignment Subcommittee, formerly the
- 29 Talent Ready Utah Board;
- 30 ▶ modifies provisions related to economic development tax increment financing;
- 31 ▶ requires the GO Utah office to submit an annual report to certain state entities that
- 32 gives an overview of the implementation and efficacy of the statewide economic
- 33 development strategy;
- 34 ▶ creates a talent development grant program for businesses that create new
- 35 incremental high paying jobs in the state;
- 36 ▶ directs the Utah Office of Outdoor Recreation to promote all forms of outdoor
- 37 recreation, including vehicular and non-vehicular;
- 38 ▶ creates the Utah Broadband Center and addresses its operations and duties;
- 39 ▶ establishes the Broadband Access Grant Program;
- 40 ▶ repeals the Governor's Rural Partnership Board;
- 41 ▶ repeals the Governor's Economic Development Coordinating Council;
- 42 ▶ repeals the Technology Commercialization and Innovation Act;
- 43 ▶ repeals the Utah Business Resource Centers Act; and
- 44 ▶ makes technical and conforming changes.

45 **Money Appropriated in this Bill:**

46 This bill appropriates in fiscal year 2022:

47 ▶ to Economic Development - Business Development - Corporate Recruitment and  
48 Business Services as an ongoing appropriation:

49 • from the General Fund, \$767,100;

50 ▶ to Economic Development - Business Development - Outreach and International  
51 Trade as an ongoing appropriation:

52 • from the General Fund, \$75,000;

53 ▶ to Economic Development - Administration - Administration as an ongoing  
54 appropriation:

55 • from the General Fund, \$75,000;

56 ▶ to the Legislature - Senate - Administration as an ongoing appropriation:

- 57           • from the General Fund, \$3,200; and
- 58           ▶ to the Legislature - House of Representatives - Administration as an ongoing
- 59 appropriation:
- 60           • from the General Fund, \$3,200.

61 **Other Special Clauses:**

- 62           This bill provides a special effective date.
- 63           This bill provides revisor instructions.
- 64           This bill provides a coordination clause.

65 **Utah Code Sections Affected:**

66 AMENDS:

- 67           9-6-903, as enacted by Laws of Utah 2020, Fifth Special Session, Chapter 12
- 68           9-9-104.6, as last amended by Laws of Utah 2020, Chapters 236 and 365
- 69           9-22-102, as renumbered and amended by Laws of Utah 2019, Chapter 487
- 70           11-17-18, as last amended by Laws of Utah 2005, Chapter 148
- 71           11-58-901, as enacted by Laws of Utah 2018, Chapter 179
- 72           11-59-302, as last amended by Laws of Utah 2020, Chapters 152 and 365
- 73           11-59-304, as last amended by Laws of Utah 2020, Chapter 152
- 74           11-59-501, as last amended by Laws of Utah 2020, Chapter 152
- 75           17-31-5.5, as last amended by Laws of Utah 2020, Chapter 315
- 76           17-31-9, as last amended by Laws of Utah 2015, Chapter 283
- 77           17-54-102, as enacted by Laws of Utah 2020, Chapter 360
- 78           17-54-103, as enacted by Laws of Utah 2020, Chapter 360
- 79           17C-1-603, as last amended by Laws of Utah 2019, Chapter 21
- 80           17D-1-507, as enacted by Laws of Utah 2008, Chapter 360
- 81           35A-1-104.5, as last amended by Laws of Utah 2020, Chapter 354
- 82           35A-1-109, as last amended by Laws of Utah 2018, Chapter 423
- 83           35A-1-201, as last amended by Laws of Utah 2020, Chapter 352
- 84           35A-6-105, as last amended by Laws of Utah 2020, Chapter 365
- 85           41-6a-1626, as last amended by Laws of Utah 2019, Chapter 461
- 86           49-11-406, as last amended by Laws of Utah 2020, Chapter 24
- 87           53B-1-114, as last amended by Laws of Utah 2020, Chapter 365

- 88            **53B-1-301**, as last amended by Laws of Utah 2020, Chapters 365 and 403
- 89            **53B-7-702**, as last amended by Laws of Utah 2020, Chapter 365
- 90            **53B-7-704**, as enacted by Laws of Utah 2017, Chapter 365
- 91            **53B-8-304**, as enacted by Laws of Utah 2019, Chapter 444
- 92            **53B-10-201**, as last amended by Laws of Utah 2020, Chapter 365
- 93            **53B-10-203**, as enacted by Laws of Utah 2018, Chapter 402
- 94            **53B-26-102**, as last amended by Laws of Utah 2019, Chapters 136 and 357
- 95            **53B-26-103**, as last amended by Laws of Utah 2020, Chapter 365
- 96            **53B-26-303**, as enacted by Laws of Utah 2020, Chapter 361
- 97            **54-4-41**, as enacted by Laws of Utah 2020, Chapter 217
- 98            **59-1-403**, as last amended by Laws of Utah 2020, Chapter 294
- 99            **59-7-159**, as last amended by Laws of Utah 2019, Chapters 247 and 465
- 100           **59-7-614.2**, as last amended by Laws of Utah 2016, Third Special Session, Chapter 1
- 101           **59-7-614.5**, as last amended by Laws of Utah 2016, Third Special Session, Chapter 1
- 102           **59-7-614.10**, as last amended by Laws of Utah 2020, Chapter 354
- 103           **59-7-621**, as enacted by Laws of Utah 2017, Chapter 274
- 104           **59-7-624**, as last amended by Laws of Utah 2020, Chapter 354
- 105           **59-10-137**, as last amended by Laws of Utah 2019, Chapters 247 and 465
- 106           **59-10-1037**, as last amended by Laws of Utah 2020, Chapter 354
- 107           **59-10-1038**, as enacted by Laws of Utah 2017, Chapter 274
- 108           **59-10-1107**, as last amended by Laws of Utah 2016, Third Special Session, Chapter 1
- 109           **59-10-1108**, as last amended by Laws of Utah 2016, Third Special Session, Chapter 1
- 110           **59-10-1112**, as last amended by Laws of Utah 2020, Chapter 354
- 111           **63A-3-111**, as enacted by Laws of Utah 2020, Fifth Special Session, Chapter 12
- 112           **63B-18-401**, as last amended by Laws of Utah 2019, Chapters 327, 479, and 497
- 113           **63B-24-201**, as last amended by Laws of Utah 2018, Chapter 406
- 114           **63C-17-103**, as enacted by Laws of Utah 2016, Chapter 156
- 115           **63C-17-105**, as enacted by Laws of Utah 2016, Chapter 156
- 116           **63G-21-102**, as last amended by Laws of Utah 2018, Chapter 281
- 117           **63G-21-201**, as last amended by Laws of Utah 2018, Chapter 261
- 118           **63H-1-801**, as last amended by Laws of Utah 2009, Chapters 92 and 388

- 119           **63H-2-204**, as last amended by Laws of Utah 2012, Chapter 37
- 120           **63I-1-235**, as last amended by Laws of Utah 2020, Chapters 154 and 417
- 121           **63I-1-263**, as last amended by Laws of Utah 2020, Chapters 82, 152, 154, 199, 230,
- 122 303, 322, 336, 354, 360, 375, 405 and last amended by Coordination Clause, Laws
- 123 of Utah 2020, Chapter 360
- 124           **63I-2-263**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 12
- 125           **63J-1-602.1**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4
- 126           **63J-4-301**, as last amended by Laws of Utah 2018, Chapters 423 and 469
- 127           **63J-4-708**, as last amended by Laws of Utah 2018, Chapter 423
- 128           **63L-2-301**, as last amended by Laws of Utah 2020, Chapter 168
- 129           **63M-5-306**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 130           **63M-6-201**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 131           **63M-6-202**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 132           **63M-6-203**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 133           **63M-11-201**, as last amended by Laws of Utah 2019, Chapter 246
- 134           **63N-2-103**, as last amended by Laws of Utah 2019, Chapters 399, 465, 498 and last
- 135 amended by Coordination Clause, Laws of Utah 2019, Chapter 465
- 136           **63N-2-104**, as last amended by Laws of Utah 2018, Chapter 281
- 137           **63N-2-105**, as last amended by Laws of Utah 2016, Chapter 350
- 138           **63N-2-106**, as last amended by Laws of Utah 2016, Third Special Session, Chapter 1
- 139           **63N-2-107**, as last amended by Laws of Utah 2016, Chapter 350
- 140           **63N-2-203**, as last amended by Laws of Utah 2020, Chapter 360
- 141           **63N-2-213**, as last amended by Laws of Utah 2020, Chapter 360
- 142           **63N-2-303**, as last amended by Laws of Utah 2017, Chapter 352
- 143           **63N-2-503**, as last amended by Laws of Utah 2019, Chapter 136
- 144           **63N-2-504**, as last amended by Laws of Utah 2019, Chapter 136
- 145           **63N-2-510**, as last amended by Laws of Utah 2015, Chapter 417 and renumbered and
- 146 amended by Laws of Utah 2015, Chapter 283
- 147           **63N-2-512**, as last amended by Laws of Utah 2016, Chapter 291
- 148           **63N-2-808**, as last amended by Laws of Utah 2016, Chapter 354
- 149           **63N-2-810**, as last amended by Laws of Utah 2016, Third Special Session, Chapter 1

- 150 [63N-3-102](#), as last amended by Laws of Utah 2018, Chapter 428
- 151 [63N-3-103](#), as last amended by Laws of Utah 2018, Chapters 204 and 428
- 152 [63N-3-105](#), as last amended by Laws of Utah 2019, Chapter 325
- 153 [63N-3-106](#), as last amended by Laws of Utah 2016, Chapters 34 and 183
- 154 [63N-3-109](#), as last amended by Laws of Utah 2020, Chapter 265
- 155 [63N-3-111](#), as last amended by Laws of Utah 2018, Chapter 182
- 156 [63N-3-204](#), as last amended by Laws of Utah 2018, Chapter 453
- 157 [63N-4-101](#), as renumbered and amended by Laws of Utah 2015, Chapter 283
- 158 [63N-4-102](#), as renumbered and amended by Laws of Utah 2015, Chapter 283
- 159 [63N-4-103](#), as renumbered and amended by Laws of Utah 2015, Chapter 283
- 160 [63N-4-104](#), as last amended by Laws of Utah 2020, Chapter 360
- 161 [63N-4-105](#), as renumbered and amended by Laws of Utah 2015, Chapter 283
- 162 [63N-4-106](#), as renumbered and amended by Laws of Utah 2015, Chapter 283
- 163 [63N-4-205](#), as renumbered and amended by Laws of Utah 2015, Chapter 283
- 164 [63N-4-403](#), as enacted by Laws of Utah 2018, Chapter 340
- 165 [63N-4-704](#), as enacted by Laws of Utah 2020, Chapter 360
- 166 [63N-7-201](#), as renumbered and amended by Laws of Utah 2015, Chapter 283
- 167 [63N-8-102](#), as renumbered and amended by Laws of Utah 2015, Chapter 283
- 168 [63N-8-103](#), as last amended by Laws of Utah 2019, First Special Session, Chapter 3
- 169 [63N-8-104](#), as last amended by Laws of Utah 2020, Chapter 357
- 170 [63N-8-105](#), as renumbered and amended by Laws of Utah 2015, Chapter 283
- 171 [63N-9-104](#), as last amended by Laws of Utah 2016, Chapter 88
- 172 [63N-9-106](#), as last amended by Laws of Utah 2019, Chapter 506
- 173 [63N-9-203](#), as last amended by Laws of Utah 2017, Chapter 166
- 174 [63N-9-403](#), as enacted by Laws of Utah 2019, Chapter 506
- 175 [63N-13-101](#), as renumbered and amended by Laws of Utah 2015, Chapter 283
- 176 [63N-15-103](#), as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 19
- 177 [72-1-209](#), as last amended by Laws of Utah 2005, Chapter 148
- 178 [72-4-302](#), as last amended by Laws of Utah 2019, Chapter 246
- 179 [72-7-504](#), as last amended by Laws of Utah 2017, Chapter 260
- 180 [79-4-1103](#), as last amended by Laws of Utah 2015, Chapter 283

181 ENACTS:

182 **53B-30-101**, Utah Code Annotated 1953

183 **53B-30-102**, Utah Code Annotated 1953

184 **63N-1a-103**, Utah Code Annotated 1953

185 **63N-1a-201**, Utah Code Annotated 1953

186 **63N-1a-202**, Utah Code Annotated 1953

187 **63N-1b-101**, Utah Code Annotated 1953

188 **63N-1b-102**, Utah Code Annotated 1953

189 **63N-3-112**, Utah Code Annotated 1953

190 **63N-16-101**, Utah Code Annotated 1953

191 **63N-16-102**, Utah Code Annotated 1953

192 **63N-16-201**, Utah Code Annotated 1953

193 **63N-16-301**, Utah Code Annotated 1953

194 **63N-16-302**, Utah Code Annotated 1953

195 RENUMBERS AND AMENDS:

196 **53B-30-201**, (Renumbered from 63N-12-509, as renumbered and amended by Laws of  
197 Utah 2019, Chapter 246)

198 **63N-1a-101**, (Renumbered from 63N-1-101, as renumbered and amended by Laws of  
199 Utah 2015, Chapter 283)

200 **63N-1a-102**, (Renumbered from 63N-1-102, as last amended by Laws of Utah 2019,  
201 Chapter 465)

202 **63N-1a-301**, (Renumbered from 63N-1-201, as last amended by Laws of Utah 2019,  
203 Chapter 246)

204 **63N-1a-302**, (Renumbered from 63N-1-202, as last amended by Laws of Utah 2020,  
205 Chapter 352)

206 **63N-1a-303**, (Renumbered from 63N-1-203, as last amended by Laws of Utah 2018,  
207 Chapter 423)

208 **63N-1a-304**, (Renumbered from 63N-1-204, as renumbered and amended by Laws of  
209 Utah 2015, Chapter 283)

210 **63N-1a-305**, (Renumbered from 63N-1-205, as enacted by Laws of Utah 2020, Chapter  
211 154)

212 **63N-1a-306**, (Renumbered from 63N-1-301, as last amended by Laws of Utah 2020,  
213 Chapter 365)

214 **63N-1b-201**, (Renumbered from 63N-1-401, as last amended by Laws of Utah 2020,  
215 Chapters 352 and 373)

216 **63N-1b-202**, (Renumbered from 63N-1-402, as renumbered and amended by Laws of  
217 Utah 2015, Chapter 283)

218 **63N-1b-301**, (Renumbered from 63N-12-503, as last amended by Laws of Utah 2020,  
219 Chapter 365)

220 **63N-1b-302**, (Renumbered from 63N-12-502, as enacted by Laws of Utah 2018,  
221 Chapter 423)

222 **63N-1b-303**, (Renumbered from 63N-12-504, as last amended by Laws of Utah 2019,  
223 Chapter 427)

224 **63N-1b-304**, (Renumbered from 63N-12-505, as last amended by Laws of Utah 2020,  
225 Chapter 164 and last amended by Coordination Clause, Laws of Utah 2020, Chapter  
226 365)

227 **63N-1b-305**, (Renumbered from 63N-12-506, as last amended by Laws of Utah 2020,  
228 Sixth Special Session, Chapter 19)

229 **63N-1b-306**, (Renumbered from 63N-12-507, as last amended by Laws of Utah 2020,  
230 Chapter 164 and last amended by Coordination Clause, Laws of Utah 2020, Chapter  
231 365)

232 **63N-1b-307**, (Renumbered from 63N-12-508, as last amended by Laws of Utah 2020,  
233 Sixth Special Session, Chapter 19)

234 **63N-16-202**, (Renumbered from 63N-3-501, as enacted by Laws of Utah 2018, Chapter  
235 182)

236 REPEALS:

237 **63C-10-101**, as enacted by Laws of Utah 2004, Chapter 73

238 **63C-10-102**, as last amended by Laws of Utah 2014, Chapter 259

239 **63C-10-103**, as last amended by Laws of Utah 2020, Chapter 360

240 **63N-1-501**, as last amended by Laws of Utah 2020, Chapters 352, 354, and 360

241 **63N-1-502**, as renumbered and amended by Laws of Utah 2015, Chapter 283

242 **63N-3-108**, as renumbered and amended by Laws of Utah 2015, Chapter 283

- 243 **63N-3-109.5**, as enacted by Laws of Utah 2016, Chapter 34
- 244 **63N-3-201**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 245 **63N-3-202**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 246 **63N-3-203**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 247 **63N-3-205**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 248 **63N-3-301**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 249 **63N-3-302**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 250 **63N-3-303**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 251 **63N-3-304**, as last amended by Laws of Utah 2016, Chapter 253
- 252 **63N-3-305**, as last amended by Laws of Utah 2016, Chapter 253
- 253 **63N-3-306**, as last amended by Laws of Utah 2016, Chapter 253
- 254 **63N-3-307**, as last amended by Laws of Utah 2016, Chapter 253
- 255 **63N-12-501**, as last amended by Laws of Utah 2020, Chapter 164

**Utah Code Sections Affected by Coordination Clause:**

- 256 **63N-2-104**, as last amended by Laws of Utah 2018, Chapter 281

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **9-6-903** is amended to read:

**9-6-903. Duties of the division.**

(1) As soon as is practicable but on or before July 31, 2020, the division shall:

(a) establish an application process by which a qualified organization may apply for a grant under this part, which application shall include:

(i) a declaration, signed under penalty of perjury, that the application is complete, true, and correct and any estimates about the net costs to provide the cultural, artistic, botanical, recreational, or zoological activity are made in good faith;

(ii) an acknowledgment that the qualified organization is subject to audit; and

(iii) a plan for providing the activity described in Subsection **9-6-902(2)(a)**;

(b) establish a method for the office, in consultation with the Governor's Office of Economic ~~Development~~ Opportunity for recreational applicants, to determine which applicants are eligible to receive a grant;

(c) establish a formula to award grant funds; and

274 (d) report the information described in Subsections (1)(a) through (c) to the director of  
275 the Division of Finance.

276 (2) The division shall:

277 (a) participate in the presentation that the director of the Division of Finance provides  
278 to the legislative committee under Section 63A-3-111; and

279 (b) consider any recommendations for adjustments to the grant program from the  
280 legislative committee.

281 (3) Subject to appropriation, beginning on August 5, 2020, the division shall:

282 (a) collect applications for grant funds from qualified organizations;

283 (b) determine, in consultation with the Governor's Office of Economic [Development]  
284 Opportunity for recreational applicants, which applicants meet the eligibility requirements for  
285 receiving a grant; and

286 (c) award the grant funds:

287 (i) (A) after an initial application period that ends on or before August 31, 2020; and

288 (B) if funds remain after the initial application period, on a rolling basis until the  
289 earlier of funds being exhausted or December 30, 2020; and

290 (ii) in accordance with the process established under Subsection (1) and the limit  
291 described in Subsection 9-6-902(3).

292 (4) The division shall encourage any qualified organization that receives grant funds to  
293 commit to following best practices to protect the health and safety of the qualified  
294 organization's employees and customers.

295 (5) (a) The division may audit a qualified organization's reported net cost to provide a  
296 cultural, artistic, botanical, recreational, or zoological activity.

297 (b) The division may recapture grant funds if, after audit, the division determines that:

298 (i) if a qualified organization made representations about the qualified organization's  
299 actual net cost to provide the cultural, artistic, botanical, recreational, or zoological activity, the  
300 representations are not complete, true, and correct; or

301 (ii) if a qualified organization made representations about the qualified organization's  
302 estimated net cost to provide the cultural, artistic, botanical, recreational, or zoological activity,  
303 the representations are not made in good faith.

304 (c) (i) A qualified organization that is subject to recapture shall pay to the Division of

305 Finance a penalty equal to the amount of the grant recaptured multiplied by the applicable  
306 income tax rate in Section 59-7-104 or 59-10-104.

307 (ii) The Division of Finance shall deposit the penalty into the Education Fund.

308 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
309 division may make rules to administer the grant program.

310 Section 2. Section 9-9-104.6 is amended to read:

311 **9-9-104.6. Participation of state agencies in meetings with tribal leaders --**  
312 **Contact information.**

313 (1) For at least three of the joint meetings described in Subsection 9-9-104.5(2)(a), the  
314 division shall coordinate with representatives of tribal governments and the entities listed in  
315 Subsection (2) to provide for the broadest participation possible in the joint meetings.

316 (2) The following may participate in all meetings described in Subsection (1):

317 (a) the chairs of the Native American Legislative Liaison Committee created in Section  
318 36-22-1;

319 (b) the governor or the governor's designee;

320 (c) the American Indian-Alaska Native Health Liaison appointed in accordance with  
321 Section 26-7-2.5;

322 (d) the American Indian-Alaska Native Public Education Liaison appointed in  
323 accordance with Section 53F-5-604; and

324 (e) a representative appointed by the chief administrative officer of the following:

325 (i) the Department of Human Services;

326 (ii) the Department of Natural Resources;

327 (iii) the Department of Workforce Services;

328 (iv) the Governor's Office of Economic ~~Development~~ Opportunity;

329 (v) the State Board of Education; and

330 (vi) the Utah Board of Higher Education.

331 (3) (a) The chief administrative officer of the agencies listed in Subsection (3)(b) shall:

332 (i) designate the name of a contact person for that agency that can assist in coordinating  
333 the efforts of state and tribal governments in meeting the needs of the Native Americans  
334 residing in the state; and

335 (ii) notify the division:

336 (A) who is the designated contact person described in Subsection (3)(a)(i); and  
337 (B) of any change in who is the designated contact person described in Subsection  
338 (3)(a)(i).

339 (b) This Subsection (3) applies to:

340 (i) the Department of Agriculture and Food;

341 (ii) the Department of Heritage and Arts;

342 (iii) the Department of Corrections;

343 (iv) the Department of Environmental Quality;

344 (v) the Department of Public Safety;

345 (vi) the Department of Transportation;

346 (vii) the Office of the Attorney General;

347 (viii) the State Tax Commission; and

348 (ix) any agency described in Subsections (2)(c) through (e).

349 (c) At the request of the division, a contact person listed in Subsection (3)(b) may  
350 participate in a meeting described in Subsection (1).

351 (4) (a) A participant under this section who is not a legislator may not receive  
352 compensation or benefits for the participant's service, but may receive per diem and travel  
353 expenses as allowed in:

354 (i) Section [63A-3-106](#);

355 (ii) Section [63A-3-107](#); and

356 (iii) rules made by the Division of Finance according to Sections [63A-3-106](#) and  
357 [63A-3-107](#).

358 (b) Compensation and expenses of a participant who is a legislator are governed by  
359 Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

360 Section 3. Section **9-22-102** is amended to read:

361 **9-22-102. Definitions.**

362 As used in this chapter:

363 (1) "Computing partnerships" means a set of skills, knowledge, and aptitudes used in  
364 computer science, information technology, or computer engineering courses and career options.

365 (2) "Director" means the director appointed by the STEM board to oversee the  
366 administration of the STEM Action Center.

- 367 (3) "Educator" means the same as that term is defined in Section [53E-6-102](#).
- 368 (4) "Foundation" means a foundation established as described in Subsections  
369 [9-22-104](#)(3) and (4).
- 370 (5) "Fund" means the STEM Action Center Foundation Fund created in Section  
371 [9-22-105](#).
- 372 (6) "Grant program" means the Computing Partnerships Grants program created in this  
373 part.
- 374 (7) "High quality professional development" means professional development that  
375 meets high quality standards developed by the State Board of Education.
- 376 (8) "Institution of higher education" means an institution listed in Section [53B-1-102](#).
- 377 (9) "K-16" means kindergarten through grade 12 and post-secondary education  
378 programs.
- 379 (10) "Provider" means a provider selected on behalf of the STEM board by the staff of  
380 the STEM board and the staff of the State Board of Education:
- 381 (a) through a request for proposals process; or
- 382 (b) through a direct award or sole source procurement process for a pilot described in  
383 Section [9-22-107](#).
- 384 (11) "Review committee" means the committee established under Section [9-22-114](#).
- 385 (12) "Stacked credentials" means credentials that:
- 386 (a) an individual can build upon to access an advanced job or higher wage;
- 387 (b) are part of a career pathway system;
- 388 (c) provide a pathway culminating in the equivalent of an associate's or bachelor's  
389 degree;
- 390 (d) facilitate multiple exit and entry points; and
- 391 (e) recognize sub-goals or momentum points.
- 392 (13) "STEM" means science, technology, engineering, and mathematics.
- 393 (14) "STEM Action Center" means the center described in Section [9-22-106](#).
- 394 (15) "STEM board" means the STEM Action Center Board created in Section  
395 [9-22-103](#).
- 396 (16) "Talent Ready ~~Utah~~ Program" means the Talent Ready Utah ~~Center~~ Program  
397 created in Section ~~[63N-12-502](#)~~ [63N-1b-302](#).

398 Section 4. Section 11-17-18 is amended to read:

399 **11-17-18. Powers of Governor's Office of Economic Opportunity.**

400 For purposes of this chapter and for the purposes of the Utah Interlocal Cooperation  
401 Act, the Governor's Office of Economic ~~[Development]~~ Opportunity has all the powers set out  
402 in this chapter of, and is subject to the same limitations as, a municipality as though the office  
403 were defined as a municipality for purposes of this chapter, but it shall have such powers with  
404 respect to economic development or new venture investment fund projects only. It is not  
405 authorized to exercise such powers in any manner which will create general obligations of the  
406 state or any agency, department, division, or political subdivision thereof.

407 Section 5. Section 11-58-901 is amended to read:

408 **11-58-901. Dissolution of port authority -- Restrictions -- Notice of dissolution --**  
409 **Disposition of port authority property -- Port authority records -- Dissolution expenses.**

410 (1) The authority may not be dissolved unless the authority has no outstanding bonded  
411 indebtedness, other unpaid loans, indebtedness, or advances, and no legally binding contractual  
412 obligations with persons or entities other than the state.

413 (2) Upon the dissolution of the authority:

414 (a) the Governor's Office of Economic ~~[Development]~~ Opportunity shall publish a  
415 notice of dissolution:

416 (i) in a newspaper of general circulation in the county in which the dissolved authority  
417 is located; and

418 (ii) as required in Section 45-1-101; and

419 (b) all title to property owned by the authority vests in the state.

420 (3) The books, documents, records, papers, and seal of each dissolved authority shall  
421 be deposited for safekeeping and reference with the state auditor.

422 (4) The authority shall pay all expenses of the deactivation and dissolution.

423 Section 6. Section 11-59-302 is amended to read:

424 **11-59-302. Number of board members -- Appointment -- Vacancies -- Chairs.**

425 (1) The board shall consist of 11 members as provided in Subsection (2).

426 (2) (a) The president of the Senate shall appoint two members of the Senate to serve as  
427 members of the board.

428 (b) The speaker of the House of Representatives shall appoint two members of the

429 House of Representatives to serve as members of the board.

430 (c) The governor shall appoint four individuals to serve as members of the board:

431 (i) one of whom shall be a member of the board of or employed by the Governor's

432 Office of Economic ~~[Development]~~ Opportunity, created in Section ~~[63N-1-201]~~ 63N-1a-301;

433 and

434 (ii) one of whom shall be an employee of the Division of Facilities Construction and

435 Management, created in Section 63A-5b-301.

436 (d) The Salt Lake County mayor shall appoint one board member, who shall be an

437 elected Salt Lake County government official.

438 (e) The mayor of Draper, or a member of the Draper city council that the mayor

439 designates, shall serve as a board member.

440 (f) The commissioner of higher education, appointed under Section 53B-1-408, or the

441 commissioner's designee, shall serve as a board member.

442 (3) (a) (i) Subject to Subsection (3)(a)(ii), a vacancy on the board shall be filled in the

443 same manner under this section as the appointment of the member whose vacancy is being

444 filled.

445 (ii) If the mayor of Draper or commissioner of higher education is removed as a board

446 member under Subsection (5), the mayor of Draper or commissioner of higher education, as the

447 case may be, shall designate an individual to serve as a member of the board, as provided in

448 Subsection (2)(e) or (f), respectively.

449 (b) Each person appointed or designated to fill a vacancy shall serve the remaining

450 unexpired term of the member whose vacancy the person is filling.

451 (4) A member of the board appointed by the governor, president of the Senate, or

452 speaker of the House of Representatives serves at the pleasure of and may be removed and

453 replaced at any time, with or without cause, by the governor, president of the Senate, or speaker

454 of the House of Representatives, respectively.

455 (5) A member of the board may be removed by a vote of two-thirds of all members of

456 the board.

457 (6) (a) The governor shall appoint one board member to serve as cochair of the board.

458 (b) The president of the Senate and speaker of the House of Representatives shall

459 jointly appoint one legislative member of the board to serve as cochair of the board.

460 Section 7. Section **11-59-304** is amended to read:

461 **11-59-304. Staff and other support services -- Cooperation from state and local**  
462 **government entities.**

463 (1) As used in this section:

464 (a) "Division" means the Division of Facilities Construction and Management, created  
465 in Section [63A-5b-301](#).

466 (b) "Office" means the Governor's Office of Economic ~~[Development]~~ Opportunity,  
467 created in Section ~~[63N-1-201]~~ [63N-1a-301](#).

468 (2) If and as requested by the board:

469 (a) the division shall:

470 (i) provide staff support to the board; and

471 (ii) make available to the board existing division resources and expertise to assist the  
472 board in the development, marketing, and disposition of the point of the mountain state land;  
473 and

474 (b) the office shall cooperate with and provide assistance to the board in the board's:

475 (i) formulation of a development plan for the point of the mountain state land; and

476 (ii) management and implementation of a development plan, including the marketing  
477 of property and recruitment of businesses and others to locate on the point of the mountain  
478 state land.

479 (3) A department, division, or other agency of the state and a political subdivision of  
480 the state shall cooperate with the authority and the board to the fullest extent possible to  
481 provide whatever support, information, or other assistance the board requests that is reasonably  
482 necessary to help the authority fulfill its duties and responsibilities under this chapter.

483 Section 8. Section **11-59-501** is amended to read:

484 **11-59-501. Dissolution of authority -- Restrictions -- Publishing notice of**  
485 **dissolution -- Authority records -- Dissolution expenses.**

486 (1) The authority may not be dissolved unless:

487 (a) the authority board first receives approval from the Legislative Management  
488 Committee of the Legislature to dissolve the authority; and

489 (b) the authority has no outstanding bonded indebtedness, other unpaid loans,  
490 indebtedness, or advances, and no legally binding contractual obligations with persons or

491 entities other than the state.

492 (2) To dissolve the authority, the board shall:

493 (a) obtain the approval of the Legislative Management Committee of the Legislature;

494 and

495 (b) adopt a resolution dissolving the authority, to become effective as provided in the  
496 resolution.

497 (3) Upon the dissolution of the authority:

498 (a) the Governor's Office of Economic [~~Development~~] Opportunity shall publish a  
499 notice of dissolution:

500 (i) in a newspaper of general circulation in the county in which the dissolved authority  
501 is located; and

502 (ii) as required in Section 45-1-101; and

503 (b) all title to property owned by the authority vests in the Division of Facilities  
504 Construction and Management, created in Section 63A-5b-301, for the benefit of the state.

505 (4) The board shall deposit all books, documents, records, papers, and seal of the  
506 dissolved authority with the state auditor for safekeeping and reference.

507 (5) The authority shall pay all expenses of the deactivation and dissolution.

508 Section 9. Section 17-31-5.5 is amended to read:

509 **17-31-5.5. Report to county legislative body -- Content.**

510 (1) The legislative body of each county that imposes a transient room tax under Section  
511 59-12-301 or a tourism, recreation, cultural, convention, and airport facilities tax under Section  
512 59-12-603 shall prepare annually a report in accordance with Subsection (2).

513 (2) The report described in Subsection (1) shall include a breakdown of expenditures  
514 into the following categories:

515 (a) for the transient room tax, identification of expenditures for:

516 (i) establishing and promoting:

517 (A) recreation;

518 (B) tourism;

519 (C) film production; and

520 (D) conventions;

521 (ii) acquiring, leasing, constructing, furnishing, or operating:

- 522 (A) convention meeting rooms;
- 523 (B) exhibit halls;
- 524 (C) visitor information centers;
- 525 (D) museums; and
- 526 (E) related facilities;
- 527 (iii) acquiring or leasing land required for or related to the purposes listed in
- 528 Subsection (2)(a)(ii);
- 529 (iv) mitigation costs as identified in Subsection 17-31-2(2)(d); and
- 530 (v) making the annual payment of principal, interest, premiums, and necessary reserves
- 531 for any or the aggregate of bonds issued to pay for costs referred to in Subsections
- 532 17-31-2(2)(e) and (5)(a); and
- 533 (b) for the tourism, recreation, cultural, convention, and airport facilities tax,
- 534 identification of expenditures for:
  - 535 (i) financing tourism promotion, which means an activity to develop, encourage,
  - 536 solicit, or market tourism that attracts transient guests to the county, including planning,
  - 537 product development, and advertising;
  - 538 (ii) the development, operation, and maintenance of the following facilities as defined
  - 539 in Section 59-12-602:
    - 540 (A) an airport facility;
    - 541 (B) a convention facility;
    - 542 (C) a cultural facility;
    - 543 (D) a recreation facility; and
    - 544 (E) a tourist facility; and
    - 545 (iii) a pledge as security for evidences of indebtedness under Subsection 59-12-603(3).
- 546 (3) For the transient room tax, the report described in Subsection (1) shall include a
- 547 breakdown of each expenditure described in Subsection (2)(a)(i), including:
  - 548 (a) whether the expenditure was used for in-state and out-of-state promotion efforts;
  - 549 (b) an explanation of how the expenditure targeted a cost created by tourism; and
  - 550 (c) an accounting of the expenditure showing that the expenditure was used only for
  - 551 costs directly related to a cost created by tourism.
- 552 (4) A county legislative body shall provide a copy of the report described in Subsection

553 (1) to:

554 (a) the Utah Office of Tourism within the Governor's Office of Economic

555 [~~Development~~] Opportunity;

556 (b) its tourism tax advisory board; and

557 (c) the Office of the Legislative Fiscal Analyst.

558 Section 10. Section **17-31-9** is amended to read:

559 **17-31-9. Payment to Stay Another Day and Bounce Back Fund and Hotel Impact**  
560 **Mitigation Fund.**

561 A county in which a qualified hotel, as defined in Section [63N-2-502](#), is located shall:

562 (1) make an annual payment to the Division of Finance:

563 (a) for deposit into the Stay Another Day and Bounce Back Fund, established in  
564 Section [63N-2-511](#);

565 (b) for any year in which the Governor's Office of Economic [~~Development issues a tax~~  
566 ~~credit certificate~~] Opportunity provides a convention incentive, as defined in Section  
567 [63N-2-502](#); and

568 (c) in the amount of 5% of the state portion, as defined in Section [63N-2-502](#); and

569 (2) make payments to the Division of Finance:

570 (a) for deposit into the Hotel Impact Mitigation Fund, created in Section [63N-2-512](#);

571 (b) for each year described in Subsection [63N-2-512\(5\)\(a\)\(ii\)](#) during which the balance  
572 of the Hotel Impact Mitigation Fund, defined in Section [63N-2-512](#), is less than \$2,100,000  
573 before any payment for that year under Subsection [63N-2-512\(5\)\(a\)](#); and

574 (c) in the amount of the difference between \$2,100,000 and the balance of the Hotel  
575 Impact Mitigation Fund, defined in Section [63N-2-512](#), before any payment for that year under  
576 Subsection [63N-2-512\(5\)\(a\)](#).

577 Section 11. Section **17-54-102** is amended to read:

578 **17-54-102. Definitions.**

579 (1) "CED board" means a County Economic Development Advisory Board as  
580 described in Section [17-54-104](#).

581 (2) "Center for Rural Development" means the Center for Rural Development created  
582 in Section [63N-4-102](#).

583 (3) "GO Utah board" means the Business and Economic Development Subcommittee

584 created in Section 63N-1b-202.

585 [~~(2)~~] (4) "Grant" means a grant available under the Rural County Grant Program  
586 created in Section 17-54-103.

587 [~~(3)~~] (5) "Grant program" means the Rural County Grant Program created in Section  
588 17-54-103.

589 [~~(4)~~] "Office of Rural Development" means the Office of Rural Development created  
590 within the Governor's Office of Economic Development in Section ~~63N-4-102.~~]

591 [~~(5)~~] (6) "Rural county" means a county of the third, fourth, fifth, or sixth class.

592 [~~(6)~~] "Rural partnership board" means the Governor's Rural Partnership Board created  
593 in Section ~~63C-10-102.~~]

594 Section 12. Section 17-54-103 is amended to read:

595 **17-54-103. Rural County Grant Program.**

596 (1) There is created the Rural County Grant Program.

597 (2) The grant program shall be overseen by the [~~rural partnership~~] GO Utah board and  
598 administered by the [~~Office of~~] Center for Rural Development.

599 (3) (a) In overseeing the grant program, the [~~rural partnership~~] GO Utah board shall  
600 recommend the awarding of grants to rural counties to address the economic development  
601 needs of rural counties, in accordance with the provisions of this chapter, which needs may  
602 include:

- 603 (i) business recruitment, development, and expansion;
- 604 (ii) workforce training and development; and
- 605 (iii) infrastructure, industrial building development, and capital facilities improvements  
606 for business development.

607 (b) After reviewing the recommendations of the [~~rural partnership~~] GO Utah board, the  
608 executive director of the Governor's Office of Economic [~~Development~~] Opportunity shall  
609 award grants to rural counties in accordance with the provisions of this chapter.

610 (4) Subject to appropriations from the Legislature and subject to the reporting and  
611 other requirements of this chapter, grant money shall be distributed:

612 (a) equally between all rural counties that have created a CED board, in an amount up  
613 to and including \$200,000 annually per county; and

614 (b) for grant money that is available after \$200,000 has been provided annually to each

615 eligible rural county, through the process described in Subsection (6).

616 (5) Beginning in 2021, a rural county may not receive an additional grant under this  
617 chapter unless the rural county:

618 (a) demonstrates a funding match, which may include a funding match provided by any  
619 combination of a community reinvestment agency, redevelopment agency, community  
620 development and renewal agency, private-sector entity, nonprofit entity, federal matching  
621 grant, county or municipality general fund match, or in-kind match, and that totals:

- 622 (i) a 10% match for a county of the sixth class;
- 623 (ii) a 20% match for a county of the fifth class;
- 624 (iii) a 30% match for a county of the fourth class; and
- 625 (iv) a 40% match for a county of the third class; and

626 (b) has complied with the reporting requirements required by the [~~rural partnership~~]  
627 GO Utah board and the reporting requirements described in Subsection (9) for all previous  
628 years that the county has received a grant.

629 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
630 [~~Office of~~] Center for Rural Development in collaboration with the [~~rural partnership~~] GO Utah  
631 board shall make rules establishing the eligibility and reporting criteria for a rural county to  
632 receive grant money under Subsection (4)(b), including:

633 (a) the form and process for a county to submit an application to the [~~rural partnership~~]  
634 GO Utah board for a grant;

635 (b) the method of scoring and prioritizing grant program applications from rural  
636 counties;

637 (c) the reporting, auditing, and post-performance requirements for a rural county that  
638 receives grant money; and

639 (d) any deadlines that shall be met by a rural county when applying for a grant.

640 (7) In determining the award of grant money under Subsection (4)(b), the [~~rural~~  
641 ~~partnership~~] GO Utah board may not recommend the awarding of more than \$800,000 annually  
642 to a rural county.

643 (8) In determining the recommended award of grant money under Subsection (4)(b),  
644 the [~~rural partnership~~] GO Utah board may prioritize applications that demonstrate any  
645 combination of the following:

646 (a) that the county has or is actively pursuing the creation of an effective strategic  
647 economic development plan;

648 (b) consistency with local economic development priorities;

649 (c) economic need;

650 (d) utilization of local financial or in-kind resources in combination with a grant;

651 (e) evidence that jobs will be created; and

652 (f) evidence that there will be a positive return on investment.

653 (9) On or before September 1 of each year, a county that has received a grant under this  
654 chapter in the previous 12 months shall provide a written report to the [~~rural partnership~~] GO  
655 Utah board that describes:

656 (a) the amount of grant money the county has received;

657 (b) how grant money has been distributed by the county, including what companies or  
658 entities have utilized grant money, how much grant money each company or entity has  
659 received, and how each company or entity has used the money;

660 (c) an evaluation of the effectiveness of awarded grants in improving economic  
661 development in the county, including the number of jobs created, infrastructure that has been  
662 created, and capital improvements in the county;

663 (d) how much matching money has been utilized by the county and what entities have  
664 provided the matching money; and

665 (e) any other reporting, auditing, or post-performance requirements established by the  
666 [~~Office of~~] Center for Rural Development in collaboration with the [~~rural partnership~~] GO Utah  
667 board under Subsection (6).

668 (10) The [~~Office of~~] Center for Rural Development shall compile the reported  
669 information and provide a written report to the Governor's Office of Economic [~~Development~~]  
670 Opportunity for inclusion in the Governor's Office of Economic [~~Development's~~] Opportunity's  
671 annual written report described in Section [~~63N-1-301~~] 63N-1a-306.

672 Section 13. Section **17C-1-603** is amended to read:

673 **17C-1-603. Reporting requirements -- Governor's Office of Economic**  
674 **Opportunity to maintain a database.**

675 (1) On or before [~~June 30, 2021~~] June 1, 2022, the Governor's Office of Economic  
676 [~~Development~~] Opportunity shall:

677 (a) create a database to track information for each agency located within the state; and

678 (b) make the database publicly accessible from the office's website.

679 (2) (a) The Governor's Office of Economic [~~Development~~] Opportunity may:

680 (i) contract with a third party to create and maintain the database described in

681 Subsection (1); and

682 (ii) charge a fee for a county, city, or agency to provide information to the database

683 described in Subsection (1).

684 (b) The Governor's Office of Economic [~~Development~~] Opportunity shall make rules,

685 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish a

686 fee schedule for the fee described in Subsection (2)(a)(ii).

687 (3) Beginning in [~~2021~~] 2022, on or before [~~December 31~~] June 30 of each calendar

688 year, an agency shall, for each active project area for which the project area funds collection

689 period has not expired, provide to the database described in Subsection (1) the following

690 information:

691 (a) an assessment of the change in marginal value, including:

692 (i) the base year;

693 (ii) the base taxable value;

694 (iii) the prior year's assessed value;

695 (iv) the estimated current assessed value;

696 (v) the percentage change in marginal value; and

697 (vi) a narrative description of the relative growth in assessed value;

698 (b) the amount of project area funds the agency received for each year of the project

699 area funds collection period, including:

700 (i) a comparison of the actual project area funds received for each year to the amount of

701 project area funds forecasted for each year when the project area was created, if available;

702 (ii) (A) the agency's historical receipts of project area funds, including the tax year for

703 which the agency first received project area funds from the project area; or

704 (B) if the agency has not yet received project area funds from the project area, the year

705 in which the agency expects each project area funds collection period to begin;

706 (iii) a list of each taxing entity that levies or imposes a tax within the project area and a

707 description of the benefits that each taxing entity receives from the project area; and

- 708 (iv) the amount paid to other taxing entities under Section 17C-1-410, if applicable;
- 709 (c) a description of current and anticipated project area development, including:
  - 710 (i) a narrative of any significant project area development, including infrastructure
  - 711 development, site development, participation agreements, or vertical construction; and
  - 712 (ii) other details of development within the project area, including:
    - 713 (A) the total developed acreage;
    - 714 (B) the total undeveloped acreage;
    - 715 (C) the percentage of residential development; and
    - 716 (D) the total number of housing units authorized, if applicable;
  - 717 (d) the project area budget, if applicable, or other project area funds analyses,
  - 718 including:
    - 719 (i) each project area funds collection period, including:
      - 720 (A) the start and end date of the project area funds collection period; and
      - 721 (B) the number of years remaining in each project area funds collection period;
    - 722 (ii) the amount of project area funds the agency is authorized to receive from the
    - 723 project area cumulatively and from each taxing entity, including:
      - 724 (A) the total dollar amount; and
      - 725 (B) the percentage of the total amount of project area funds generated within the
      - 726 project area;
      - 727 (iii) the remaining amount of project area funds the agency is authorized to receive
      - 728 from the project area cumulatively and from each taxing entity; and
    - 729 (iv) the amount of project area funds the agency is authorized to use to pay for the
    - 730 agency's administrative costs, as described in Subsection 17C-1-409(1), including:
      - 731 (A) the total dollar amount; and
      - 732 (B) the percentage of the total amount of all project area funds;
    - 733 (e) the estimated amount of project area funds that the agency is authorized to receive
    - 734 from the project area for the current calendar year;
    - 735 (f) the estimated amount of project area funds to be paid to the agency for the next
    - 736 calendar year;
    - 737 (g) a map of the project area; and
    - 738 (h) any other relevant information the agency elects to provide.

739 (4) (a) Until the Governor's Office of Economic [~~Development~~] Opportunity creates a  
740 database as required in Subsection (1), an agency shall, on or before November 1 of each  
741 calendar year, electronically submit a report to:

- 742 (i) the community in which the agency operates;
- 743 (ii) the county auditor;
- 744 (iii) the State Tax Commission;
- 745 (iv) the State Board of Education; and
- 746 (v) each taxing entity from which the agency receives project area funds.

747 (b) An agency shall ensure that the report described in Subsection (4)(a):

- 748 (i) contains the same information described in Subsection (3); and
- 749 (ii) is posted on the website of the community in which the agency operates.

750 (5) Any information an agency submits in accordance with this section:

- 751 (a) is for informational purposes only; and
- 752 (b) does not alter the amount of project area funds that an agency is authorized to  
753 receive from a project area.

754 (6) The provisions of this section apply regardless of when the agency or project area is  
755 created.

756 Section 14. Section **17D-1-507** is amended to read:

757 **17D-1-507. Guaranteed bonds.**

758 (1) Before a special service district may issue guaranteed bonds:

759 (a) the special service district shall:

760 (i) obtain a report:

761 (A) prepared by:

762 (I) a qualified, registered architect or engineer; or

763 (II) a person qualified by experience appropriate to the project proposed to be funded  
764 by the proceeds from the guaranteed bonds;

765 (B) setting forth:

766 (I) a description of the project proposed to be funded by the proceeds from the  
767 guaranteed bonds;

768 (II) the estimated or, if available, the actual cost of the project;

769 (III) the principal amount and date and amount of each stated maturity of:

770 (Aa) the guaranteed bonds to be issued; and  
771 (Bb) any outstanding guaranteed bonds of the special service district;  
772 (IV) the interest rate or rates of any outstanding guaranteed bonds of the special service  
773 district;  
774 (V) the amount of the annual debt service for each year during the life of all  
775 outstanding guaranteed bonds issued by the special service district;  
776 (VI) the estimated amount of the annual debt service for each year during the life of all  
777 guaranteed bonds that the special service district intends to issue to finance all or any part of  
778 the project; and  
779 (VII) the date or estimated date that the project will be complete; and  
780 (ii) submit to the Governor's Office of Economic ~~Development~~ Opportunity:  
781 (A) the report described in Subsection (1)(a)(i);  
782 (B) a copy of each proposed guarantee of the guaranteed bonds, certified by the special  
783 service district;  
784 (C) a legal opinion indicating that each guarantee, when executed, will be the legal and  
785 binding obligation of the taxpayer executing the guarantee in accordance with the terms of the  
786 guarantee; and  
787 (D) evidence satisfactory to the Governor's Office of Economic ~~Development~~  
788 Opportunity from each taxpayer executing a guarantee of the guaranteed bonds as to the  
789 financial ability of the taxpayer to perform under the guarantee;  
790 (b) the Governor's Office of Economic ~~Development~~ Opportunity shall, if it approves  
791 the issuance of the guaranteed bonds, deliver to the special service district governing body a  
792 written statement of its approval; and  
793 (c) the special service district governing body shall file the written approval statement  
794 under Subsection (1)(b) with the recorder of the county in which the special service district is  
795 located.  
796 (2) The issuance of guaranteed bonds is conditioned upon the approval of special  
797 service district voters at an election held for that purpose as provided in Title 11, Chapter 14,  
798 Local Government Bonding Act.  
799 (3) Guaranteed bonds that have been issued and remain outstanding shall be included  
800 in the determination of the debt limit under Subsection 17D-1-502(4) if the bonds by their

801 terms no longer enjoy the benefit of the guarantee.

802 (4) On July 1 of each year, the governing body shall file with the department of  
803 community affairs a report certifying:

804 (a) the total amount of bonds issued by the special service district and other debt then  
805 outstanding and subject to the debt limit of Subsection 17D-1-502(4);

806 (b) the total amount of guaranteed bonds then outstanding and not subject to the debt  
807 limit of Subsection 17D-1-502(4); and

808 (c) the total amount of guaranteed bonds that, during the preceding 12 months,  
809 discontinued to enjoy the benefit of the guarantee.

810 Section 15. Section 35A-1-104.5 is amended to read:

811 **35A-1-104.5. Other department duties -- Strategic plan for health system reform**  
812 **-- Reporting suspected misuse of a Social Security number.**

813 (1) The department shall work with the Department of Health, the Insurance  
814 Department, the Governor's Office of Economic ~~Development~~ Opportunity, and the  
815 Legislature to develop the health system reform.

816 (2) In the process of determining an individual's eligibility for a public benefit or  
817 service under this title or under federal law, if the department determines that a valid social  
818 security number is being used by an unauthorized individual, the department shall:

819 (a) inform the individual who the department determines to be the likely actual owner  
820 of the social security number or, if the likely actual owner is a minor, the minor's parent or  
821 guardian, of the suspected misuse; and

822 (b) subject to federal law, provide information of the suspected misuse to an  
823 appropriate law enforcement agency responsible for investigating identity fraud.

824 (3) If the department learns or determines that providing information under Subsection  
825 (2)(b) is prohibited by federal law, the department shall notify the Legislative Management  
826 Committee.

827 Section 16. Section 35A-1-109 is amended to read:

828 **35A-1-109. Annual report -- Content -- Format.**

829 (1) The department shall prepare and submit to the governor and the Legislature, by  
830 October 1 of each year, an annual written report of the operations, activities, programs, and  
831 services of the department, including its divisions, offices, boards, commissions, councils, and

832 committees, for the preceding fiscal year.

833 (2) For each operation, activity, program, or service provided by the department, the  
834 annual report shall include:

835 (a) a description of the operation, activity, program, or service;

836 (b) data and metrics:

837 (i) selected and used by the department to measure progress, performance,  
838 effectiveness, and scope of the operation, activity, program, or service, including summary  
839 data; and

840 (ii) that are consistent and comparable for each state operation, activity, program, or  
841 service that primarily involves employment training or placement as determined by the  
842 executive directors of the department, the Governor's Office of Economic [Development]  
843 Opportunity, and the Governor's Office of Management and Budget;

844 (c) budget data, including the amount and source of funding, expenses, and allocation  
845 of full-time employees for the operation, activity, program, or service;

846 (d) historical data from previous years for comparison with data reported under  
847 Subsections (2)(b) and (c);

848 (e) goals, challenges, and achievements related to the operation, activity, program, or  
849 service;

850 (f) relevant federal and state statutory references and requirements;

851 (g) contact information of officials knowledgeable and responsible for each operation,  
852 activity, program, or service; and

853 (h) other information determined by the department that:

854 (i) may be needed, useful, or of historical significance; or

855 (ii) promotes accountability and transparency for each operation, activity, program, or  
856 service with the public and elected officials.

857 (3) The annual report shall be designed to provide clear, accurate, and accessible  
858 information to the public, the governor, and the Legislature.

859 (4) The department shall:

860 (a) submit the annual report in accordance with Section [68-3-14](#);

861 (b) make the annual report, and previous annual reports, accessible to the public by  
862 placing a link to the reports on the department's website; and

863 (c) provide the data and metrics described in Subsection (2)(b) to the [~~Talent Ready~~  
864 ~~Utah Board created in Section 63N-12-503~~] Talent, Education, and Industry Alignment  
865 Subcommittee created in Section 63N-1b-301.

866 Section 17. Section **35A-1-201** is amended to read:

867 **35A-1-201. Executive director -- Appointment -- Removal -- Compensation --**  
868 **Qualifications -- Responsibilities -- Deputy directors.**

869 (1) (a) The chief administrative officer of the department is the executive director, who  
870 is appointed by the governor with the advice and consent of the Senate.

871 (b) The executive director serves at the pleasure of the governor.

872 (c) The executive director shall receive a salary established by the governor within the  
873 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

874 (d) The executive director shall be experienced in administration, management, and  
875 coordination of complex organizations.

876 (2) The executive director shall:

877 (a) administer and supervise the department in compliance with Title 67, Chapter 19,  
878 Utah State Personnel Management Act;

879 (b) supervise and coordinate between the economic service areas and directors created  
880 under Chapter 2, Economic Service Areas;

881 (c) coordinate policies and program activities conducted through the divisions and  
882 economic service areas of the department;

883 (d) approve the proposed budget of each division, the Workforce Appeals Board, and  
884 each economic service area within the department;

885 (e) approve all applications for federal grants or assistance in support of any  
886 department program;

887 (f) coordinate with the executive directors of the Governor's Office of Economic  
888 [~~Development~~] Opportunity and the Governor's Office of Management and Budget to review  
889 data and metrics to be reported to the Legislature as described in Subsection **35A-1-109(2)(b)**;  
890 and

891 (g) fulfill such other duties as assigned by the Legislature or as assigned by the  
892 governor that are not inconsistent with this title.

893 (3) The executive director may appoint deputy or assistant directors to assist the

894 executive director in carrying out the department's responsibilities.

895 (4) The executive director shall at least annually provide for the sharing of information  
896 between the advisory councils established under this title.

897 Section 18. Section **35A-6-105** is amended to read:

898 **35A-6-105. Commissioner of Apprenticeship Programs.**

899 (1) There is created the position of Commissioner of Apprenticeship Programs within  
900 the department.

901 (2) The commissioner shall be appointed by the executive director and chosen from  
902 one or more recommendations provided by a majority vote of the State Workforce  
903 Development Board.

904 (3) The commissioner may be terminated without cause by the executive director.

905 (4) The commissioner shall:

906 (a) promote and educate the public, including high school guidance counselors and  
907 potential participants in apprenticeship programs, about apprenticeship programs offered in the  
908 state, including apprenticeship programs offered by private sector businesses, trade groups,  
909 labor unions, partnerships with educational institutions, and other associations in the state;

910 (b) coordinate with the department and other stakeholders, including union and  
911 nonunion apprenticeship programs, the Office of Apprenticeship, the State Board of Education,  
912 the Utah system of higher education, the Department of Commerce, the Division of  
913 Occupational and Professional Licensing, and the Governor's Office of Economic  
914 ~~Development~~ Opportunity to improve and promote apprenticeship opportunities in the state;  
915 and

916 (c) provide an annual written report to:

917 (i) the department for inclusion in the department's annual written report described in  
918 Section **35A-1-109**;

919 (ii) the Business, Economic Development, and Labor Appropriations Subcommittee;  
920 and

921 (iii) the Higher Education Appropriations Subcommittee.

922 (5) The annual written report described in Subsection (4)(c) shall provide information  
923 concerning:

924 (a) the number of available apprenticeship programs in the state;

- 925 (b) the number of apprentices participating in each program;
- 926 (c) the completion rate of each program;
- 927 (d) the cost of state funding for each program; and
- 928 (e) recommendations for improving apprenticeship programs.

929 Section 19. Section **41-6a-1626** is amended to read:

930 **41-6a-1626. Mufflers -- Prevention of noise, smoke, and fumes -- Air pollution**  
931 **control devices.**

932 (1) (a) A vehicle shall be equipped, maintained, and operated to prevent excessive or  
933 unusual noise.

934 (b) A motor vehicle shall be equipped with a muffler or other effective noise  
935 suppressing system in good working order and in constant operation.

936 (c) A person may not use a muffler cut-out, bypass, or similar device on a vehicle.

937 (2) (a) Except while the engine is being warmed to the recommended operating  
938 temperature, the engine and power mechanism of a gasoline-powered motor vehicle may not  
939 emit visible contaminants during operation.

940 (b) (i) As used in this Subsection (2)(b), "heavy tow" means a tow that exceeds the  
941 vehicle's maximum tow weight.

942 (ii) A diesel engine manufactured on or after January 1, 2008, may not emit visible  
943 contaminants during operation:

944 (A) except while the engine is being warmed to the recommended operating  
945 temperature or under a heavy tow; or

946 (B) unless the diesel engine is in a vehicle with a manufacturer's gross vehicle weight  
947 rating in excess of 26,000 pounds.

948 (iii) A diesel engine manufactured before January 1, 2008, may not emit visible  
949 contaminants of a shade or density that obscures a contrasting background by more than 20%,  
950 for more than five consecutive seconds:

951 (A) except while the engine is being warmed to the recommended operating  
952 temperature or under a heavy tow; or

953 (B) unless the diesel engine is in a vehicle with a manufacturer's gross vehicle weight  
954 rating in excess of 26,000 pounds.

955 (c) A person who violates the provisions of Subsection (2)(a) is guilty of an infraction

956 and shall be fined:

957 (i) not less than \$50 for a violation; or

958 (ii) not less than \$100 for a second or subsequent violation within three years of a  
959 previous violation of this section.

960 (d) A person who violates the provisions of Subsection (2)(b) is guilty of an infraction  
961 and shall be fined:

962 (i) not less than \$100 for a violation; or

963 (ii) not less than \$500 for a second or subsequent violation within three years of a  
964 previous violation of this section.

965 (e) (i) As used in this section:

966 (A) "Local health department" means the same as that term is defined in Section  
967 [26A-1-102](#).

968 (B) "Nonattainment area" means [~~the same as that term is defined in Section~~  
969 [63N-3-102](#)] a part of the state where air quality is determined to exceed the National Ambient  
970 Air Quality Standards, as defined in the Clean Air Act Amendments of 1970, Pub. L. No.  
971 91-604, Sec. 109, for fine particulate matter (PM 2.5).

972 (ii) Within a nonattainment area, for a second or subsequent violation of Subsection  
973 (2)(a) or (2)(b), the court shall report the violations to the local health department at a regular  
974 interval.

975 (iii) If the local health department receives a notification as described in Subsection  
976 (2)(e)(ii), and the local health department determines that the registered vehicle is unable to  
977 meet state or local air emission standards, the local health department shall send notification to  
978 the Motor Vehicle Division.

979 (3) (a) If a motor vehicle is equipped by a manufacturer with air pollution control  
980 devices, the devices shall be maintained in good working order and in constant operation.

981 (b) For purposes of the first sale of a vehicle at retail, an air pollution control device  
982 may be substituted for the manufacturer's original device if the substituted device is at least as  
983 effective in the reduction of emissions from the vehicle motor as the air pollution control  
984 device furnished by the manufacturer of the vehicle as standard equipment for the same vehicle  
985 class.

986 (c) A person who renders inoperable an air pollution control device on a motor vehicle

987 is guilty of an infraction.

988 (4) Subsection (3) does not apply to a motor vehicle altered and modified to use clean  
989 fuel, as defined under Section 59-13-102, when the emissions from the modified or altered  
990 motor vehicle are at levels that comply with existing state or federal standards for the emission  
991 of pollutants from a motor vehicle of the same class.

992 (5) A violation of Subsection (1), (2), or (3) is an infraction.

993 Section 20. Section 49-11-406 is amended to read:

994 **49-11-406. Governor's appointed executives and senior staff -- Appointed**  
995 **legislative employees -- Transfer of value of accrued defined benefit -- Procedures.**

996 (1) As used in this section:

997 (a) "Defined benefit balance" means the total amount of the contributions made on  
998 behalf of a member to a defined benefit system plus refund interest.

999 (b) "Senior staff" means an at-will employee who reports directly to an elected official,  
1000 executive director, or director and includes a deputy director and other similar, at-will  
1001 employee positions designated by the governor, the speaker of the House, or the president of  
1002 the Senate and filed with the Department of Human Resource Management and the Utah State  
1003 Retirement Office.

1004 (2) In accordance with this section and subject to requirements under federal law and  
1005 rules made by the board, a member who has service credit from a system may elect to be  
1006 exempt from coverage under a defined benefit system and to have the member's defined benefit  
1007 balance transferred from the defined benefit system or plan to a defined contribution plan in the  
1008 member's own name if the member is:

1009 (a) the state auditor;

1010 (b) the state treasurer;

1011 (c) an appointed executive under Subsection 67-22-2(1)(a);

1012 (d) an employee in the Governor's Office;

1013 (e) senior staff in the Governor's Office of Management and Budget;

1014 (f) senior staff in the Governor's Office of Economic ~~Development~~ Opportunity;

1015 (g) senior staff in the Commission on Criminal and Juvenile Justice;

1016 (h) a legislative employee appointed under Subsection 36-12-7(3)(a); or

1017 (i) a legislative employee appointed by the speaker of the House of Representatives, the

1018 House of Representatives minority leader, the president of the Senate, or the Senate minority  
1019 leader[~~;~~or].

1020 [~~(j) senior staff of the Utah Science Technology and Research Initiative created under~~  
1021 ~~Title 63M, Chapter 2, Utah Science Technology and Research Governing Authority Act.]~~

1022 (3) An election made under Subsection (2):

1023 (a) is final, and no right exists to make any further election;

1024 (b) is considered a request to be exempt from coverage under a defined benefits  
1025 system; and

1026 (c) shall be made on forms provided by the office.

1027 (4) The board shall adopt rules to implement and administer this section.

1028 Section 21. Section **53B-1-114** is amended to read:

1029 **53B-1-114. Coordination for education.**

1030 (1) At least quarterly, in order to coordinate education services, the commissioner and  
1031 the state superintendent of public instruction shall convene a meeting of individuals who have  
1032 responsibilities related to Utah's education system, including:

1033 (a) the state superintendent of public instruction;

1034 (b) the commissioner;

1035 (c) the executive director of the Department of Workforce Services described in  
1036 Section [35A-1-201](#);

1037 (d) the executive director of the Governor's Office of Economic ~~[Development]~~

1038 Opportunity described in Section ~~[[63N-1-202](#)]~~ [63N-1a-302](#);

1039 (e) the chair of the State Board of Education;

1040 (f) the chair of the Utah Board of Higher Education;

1041 (g) a member of the governor's staff; and

1042 (h) the chairs of the Education Interim Committee.

1043 (2) The coordinating group described in this section shall, for the State Board of  
1044 Education and the Utah Board of Higher Education:

1045 (a) coordinate strategic planning efforts;

1046 (b) encourage alignment of strategic plans; and

1047 (c) report on the State Board of Education's strategic plan to the Utah Board of Higher

1048 Education and the Utah Board of Higher Education's strategic plan to the State Board of

1049 Education.

1050 (3) A meeting described in Subsection (1) is not subject to Title 52, Chapter 4, Open  
1051 and Public Meetings Act.

1052 Section 22. Section **53B-1-301** is amended to read:

1053 **53B-1-301. Reports to and actions of the Higher Education Appropriations**  
1054 **Subcommittee.**

1055 (1) In accordance with applicable provisions and Section [68-3-14](#), the following  
1056 recurring reports are due to the Higher Education Appropriations Subcommittee:

1057 (a) the reports described in Sections [34A-2-202.5](#), [53B-17-804](#), and [59-9-102.5](#) by the  
1058 Rocky Mountain Center for Occupational and Environmental Health;

1059 (b) the report described in Section [53B-7-101](#) by the board on recommended  
1060 appropriations for higher education institutions, including the report described in Section  
1061 [53B-8-104](#) by the board on the effects of offering nonresident partial tuition scholarships;

1062 (c) the report described in Section [53B-7-704](#) by the Department of Workforce  
1063 Services and the Governor's Office of Economic [~~Development~~] Opportunity on targeted jobs;

1064 (d) the reports described in Section [53B-7-705](#) by the board on performance;

1065 (e) the report described in Section [53B-8-201](#) by the board on the Regents' Scholarship  
1066 Program;

1067 (f) the report described in Section [53B-8-303](#) by the board regarding Access Utah  
1068 promise scholarships;

1069 (g) the report described in Section [53B-8d-104](#) by the Division of Child and Family  
1070 Services on tuition waivers for wards of the state;

1071 (h) the report described in Section [53B-12-107](#) by the Utah Higher Education  
1072 Assistance Authority;

1073 (i) the report described in Section [53B-13a-104](#) by the board on the Success Stipend  
1074 Program;

1075 (j) the report described in Section [53B-17-201](#) by the University of Utah regarding the  
1076 Miners' Hospital for Disabled Miners;

1077 (k) the report described in Section [53B-26-103](#) by the Governor's Office of Economic  
1078 [~~Development~~] Opportunity on high demand technical jobs projected to support economic  
1079 growth;

1080 (l) the report described in Section 53B-26-202 by the Medical Education Council on  
1081 projected demand for nursing professionals; and

1082 (m) the report described in Section 53E-10-308 by the State Board of Education and  
1083 board on student participation in the concurrent enrollment program.

1084 (2) In accordance with applicable provisions and Section 68-3-14, the following  
1085 occasional reports are due to the Higher Education Appropriations Subcommittee:

1086 (a) upon request, the information described in Section 53B-8a-111 submitted by the  
1087 Utah Educational Savings Plan;

1088 (b) as described in Section 53B-26-103, a proposal by an eligible partnership related to  
1089 workforce needs for technical jobs projected to support economic growth;

1090 (c) a proposal described in Section 53B-26-202 by an eligible program to respond to  
1091 projected demand for nursing professionals;

1092 (d) a report in 2023 from Utah Valley University and the Utah Fire Prevention Board  
1093 on the fire and rescue training program described in Section 53B-29-202; and

1094 (e) the reports described in Section 63C-19-202 by the Higher Education Strategic  
1095 Planning Commission on the commission's progress.

1096 (3) In accordance with applicable provisions, the Higher Education Appropriations  
1097 Subcommittee shall complete the following:

1098 (a) as required by Section 53B-7-703, the review of performance funding described in  
1099 Section 53B-7-703;

1100 (b) the review described in Section 53B-7-705 of the implementation of performance  
1101 funding;

1102 (c) an appropriation recommendation described in Section 53B-26-103 to fund a  
1103 proposal responding to workforce needs of a strategic industry cluster;

1104 (d) an appropriation recommendation described in Section 53B-26-202 to fund a  
1105 proposal responding to projected demand for nursing professionals; and

1106 (e) review of the report described in Section 63B-10-301 by the University of Utah on  
1107 the status of a bond and bond payments specified in Section 63B-10-301.

1108 Section 23. Section 53B-7-702 is amended to read:

1109 **53B-7-702. Definitions.**

1110 As used in this part:

1111 (1) "Account" means the Performance Funding Restricted Account created in Section  
1112 [53B-7-703](#).

1113 (2) "Estimated revenue growth from targeted jobs" means the estimated increase in  
1114 individual income tax revenue generated by individuals employed in targeted jobs, determined  
1115 by the Department of Workforce Services in accordance with Section [53B-7-704](#).

1116 (3) "Full new performance funding amount" means the maximum amount of new  
1117 performance funding that a degree-granting institution or technical college may qualify for in a  
1118 fiscal year, determined by the Legislature in accordance with Section [53B-7-705](#).

1119 (4) "Full-time" means the number of credit hours the board determines is full-time  
1120 enrollment for a student.

1121 (5) [~~GOED~~] "GO Utah office" means the Governor's Office of Economic  
1122 [~~Development~~] Opportunity created in Section [~~63N-1-201~~] [63N-1a-301](#).

1123 (6) "Job" means an occupation determined by the Department of Workforce Services.

1124 (7) "Membership hour" means 60 minutes of scheduled instruction provided by a  
1125 technical college to a student enrolled in the technical college.

1126 (8) "New performance funding" means the difference between the total amount of  
1127 money in the account and the amount of money appropriated from the account for performance  
1128 funding in the current fiscal year.

1129 (9) "Performance" means total performance across the metrics described in:

1130 (a) Section [53B-7-706](#) for a degree-granting institution; or

1131 (b) Section [53B-7-707](#) for a technical college.

1132 (10) "Research university" means the University of Utah or Utah State University.

1133 (11) "Targeted job" means a job designated by the Department of Workforce Services  
1134 or [~~GOED~~] the GO Utah office in accordance with Section [53B-7-704](#).

1135 (12) "Technical college graduate" means an individual who:

1136 (a) has earned a certificate from an accredited program at a technical college; and

1137 (b) is no longer enrolled in the technical college.

1138 Section 24. Section [53B-7-704](#) is amended to read:

1139 **53B-7-704. Designation of targeted jobs -- Determination of estimated revenue**  
1140 **growth from targeted jobs -- Reporting.**

1141 (1) As used in this section, "baseline amount" means the average annual wages for

1142 targeted jobs over calendar years 2014, 2015, and 2016, as determined by the Department of  
1143 Workforce Services using the best available information.

1144 (2) (a) The Department of Workforce Services shall designate, as a targeted job, a job  
1145 that:

1146 (i) has a base employment level of at least 100 individuals;

1147 (ii) ranks in the top 20% of jobs for outlook based on:

1148 (A) projected number of openings; and

1149 (B) projected rate of growth;

1150 (iii) ranks in the top 20% of jobs for median annual wage; and

1151 (iv) requires postsecondary training.

1152 (b) The Department of Workforce Services shall designate targeted jobs every other  
1153 year.

1154 (c) ~~[GOED]~~ The GO Utah office may, after consulting with the Department of  
1155 Workforce Services and industry representatives, designate a job that has significant industry  
1156 importance as a targeted job.

1157 (d) Annually, the Department of Workforce Services and ~~[GOED]~~ the GO Utah office  
1158 shall report to the Higher Education Appropriations Subcommittee on targeted jobs, including:

1159 (i) the method used to determine which jobs are targeted jobs;

1160 (ii) changes to which jobs are targeted jobs; and

1161 (iii) the reasons for each change described in Subsection (2)(d)(ii).

1162 (3) Based on the targeted jobs described in Subsection (2), the Department of  
1163 Workforce Services shall annually determine the estimated revenue growth from targeted jobs  
1164 by:

1165 (a) determining the total estimated wages for targeted jobs for the year:

1166 (i) based on the average wages for targeted jobs, calculated using the most recently  
1167 available wage data and data from each of the two years before the most recently available  
1168 data; and

1169 (ii) using the best available information;

1170 (b) determining the change in estimated wages for targeted jobs by subtracting the  
1171 baseline amount from the total wages for targeted jobs described in Subsection (3)(a); and

1172 (c) multiplying the change in estimated wages for targeted jobs described in Subsection

1173 (3)(b) by 3.6%.

1174 (4) Annually, at least 30 days before the first day of the legislative general session, the  
1175 Department of Workforce Services shall report the estimated revenue growth from targeted  
1176 jobs to:

- 1177 (a) the Office of the Legislative Fiscal Analyst; and
- 1178 (b) the Division of Finance.

1179 Section 25. Section **53B-8-304** is amended to read:

1180 **53B-8-304. Utah promise partners.**

1181 (1) In consultation with the Talent Ready Utah [~~Center~~] Program created in Section  
1182 [~~63N-12-502~~] 63N-1b-302, and in accordance with Subsection (2), the board shall select  
1183 employers to be promise partners.

1184 (2) The board may select an employer as a promise partner if the employer:

- 1185 (a) applies to the board to be a promise partner; and
- 1186 (b) meets other requirements established by the board in the rules described in

1187 Subsection (5).

1188 (3) An individual employed by a promise partner is eligible to receive a partner award  
1189 if the individual:

- 1190 (a) applies for a partner award;
- 1191 (b) is admitted to and enrolled in an institution;
- 1192 (c) is a Utah resident;
- 1193 (d) does not have an associate or higher postsecondary degree;
- 1194 (e) meets requirements established by the promise partner related to a partner award;

1195 and

1196 (f) maintains the eligibility requirements described in this Subsection (3) for the full  
1197 length of time the individual receives the partner award.

1198 (4) (a) Subject to legislative appropriations and Subsection (4)(b), the board shall  
1199 award a partner award to an individual who meets the requirements described in Subsection  
1200 (3).

1201 (b) The board may:

1202 (i) award a partner award for up to the portion of tuition and fees for a program at an  
1203 institution that is not covered by an employer reimbursement described in Subsection (5)(b);

1204 and

1205 (ii) prioritize awarding partner awards if an appropriation for partner awards is not  
1206 sufficient to provide a partner award to each individual who is eligible under Subsection (3).

1207 (c) The board may continue to award a partner award to a recipient who meets the  
1208 requirements described in Subsection (3) until the earliest of the following:

1209 (i) two years after the individual initially receives a partner award;

1210 (ii) the recipient uses a partner award to attend an institution for four semesters;

1211 (iii) the recipient completes the requirements for an associate degree; or

1212 (iv) if the recipient attends an institution that does not offer associate degrees, the  
1213 recipient has 60 earned credit hours.

1214 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1215 board shall make rules that establish:

1216 (a) requirements for an employer to seek and receive approval from the board for the  
1217 employer's employees to receive partner awards;

1218 (b) requirements related to an employer providing reimbursement to an employee who  
1219 receives a partner award for a portion of the employee's tuition and fees;

1220 (c) a process for an individual to apply for a partner award;

1221 (d) criteria for the board to prioritize awarding partner awards; and

1222 (e) a requirement that an institution shall, for a recipient of a partner award:

1223 (i) evaluate the recipient's knowledge, skills, and competencies acquired through  
1224 formal or informal education outside the traditional postsecondary academic environment; and

1225 (ii) award credit, as applicable, for the recipient's prior learning described in Subsection  
1226 (5)(e)(i).

1227 Section 26. Section **53B-10-201** is amended to read:

1228 **53B-10-201. Definitions.**

1229 As used in this part:

1230 (1) "Full-time" means the number of credit hours the board determines is full-time  
1231 enrollment for a student.

1232 (2) [~~"GOED"~~] "GO Utah office" means the Governor's Office of Economic  
1233 [~~Development~~] Opportunity created in Section [~~63N-1-201~~] 63N-1a-301.

1234 (3) "Incentive loan" means a loan described in Section 53B-10-202.

1235 (4) "Institution" means an institution of higher education described in Subsection  
1236 53B-1-102(1)(a).

1237 (5) "Program" means the Talent Development Incentive Loan Program created in  
1238 Section 53B-10-202.

1239 (6) "Qualifying degree" means an associate's or a bachelor's degree that qualifies an  
1240 individual to work in a qualifying job, as determined by [~~GOED~~] the GO Utah office under  
1241 Section 53B-10-203.

1242 (7) "Qualifying job" means a job:

1243 (a) described in Section 53B-10-203 for which an individual may receive an incentive  
1244 loan for the current two-year period; or

1245 (b) (i) that was selected in accordance with Section 53B-10-203 at the time a recipient  
1246 received an incentive loan; and

1247 (ii) (A) for which the recipient is pursuing a qualifying degree;

1248 (B) for which the recipient completed a qualifying degree; or

1249 (C) in which the recipient is working.

1250 (8) "Recipient" means an individual who receives an incentive loan.

1251 Section 27. Section 53B-10-203 is amended to read:

1252 **53B-10-203. Selection of qualifying jobs and qualifying degrees.**

1253 (1) Every other year, [~~GOED~~] the GO Utah office shall select:

1254 (a) five qualifying jobs that:

1255 (i) have the highest demand for new employees; and

1256 (ii) offer high wages; and

1257 (b) the qualifying degrees for each qualifying job.

1258 (2) [~~GOED~~] The GO Utah office shall:

1259 (a) ensure that each qualifying job:

1260 (i) ranks in the top 40% of jobs based on an employment index that considers the job's  
1261 growth rate and total openings;

1262 (ii) ranks in the top 40% of jobs for wages; and

1263 (iii) requires an associate's degree or a bachelor's degree; and

1264 (b) report the five qualifying jobs and qualifying degrees to the board.

1265 Section 28. Section 53B-26-102 is amended to read:

1266 **53B-26-102. Definitions.**

1267 As used in this part:

1268 (1) "CTE" means career and technical education.

1269 (2) "CTE region" means an economic service area created in Section [35A-2-101](#).

1270 (3) "Eligible partnership" means:

1271 (a) a regional partnership; or

1272 (b) a statewide partnership.

1273 (4) "Employer" means a private employer, public employer, industry association, the  
1274 military, or a union.

1275 (5) "Industry advisory group" means:

1276 (a) a group of at least five employers that represent the workforce needs to which a  
1277 proposal submitted under Section [53B-26-103](#) responds; and

1278 (b) a representative of the Governor's Office of Economic ~~[Development]~~ Opportunity,  
1279 appointed by the executive director of the Governor's Office of Economic ~~[Development]~~  
1280 Opportunity.

1281 (6) "Institution of higher education" means the University of Utah, Utah State  
1282 University, Southern Utah University, Weber State University, Snow College, Dixie State  
1283 University, Utah Valley University, or Salt Lake Community College.

1284 (7) "Regional partnership" means a partnership that:

1285 (a) provides educational services within one CTE region; and

1286 (b) is between at least two of the following located in the CTE region:

1287 (i) a technical college;

1288 (ii) a school district or charter school; or

1289 (iii) an institution of higher education.

1290 (8) "Stackable sequence of credentials" means a sequence of credentials that:

1291 (a) an individual can build upon to access an advanced job or higher wage;

1292 (b) is part of a career pathway system;

1293 (c) provides a pathway culminating in the equivalent of an associate's or bachelor's  
1294 degree;

1295 (d) facilitates multiple exit and entry points; and

1296 (e) recognizes sub-goals or momentum points.

1297 (9) "Statewide partnership" means a partnership between at least two regional  
1298 partnerships.

1299 (10) "Technical college" means:

1300 (a) a college described in Section 53B-2a-105;

1301 (b) the School of Applied Technology at Salt Lake Community College established  
1302 under Section 53B-16-209;

1303 (c) Utah State University Eastern established under Section 53B-18-1201;

1304 (d) Utah State University Blanding established under Section 53B-18-1202; or

1305 (e) the Snow College Richfield campus established under Section 53B-16-205.

1306 Section 29. Section 53B-26-103 is amended to read:

1307 **53B-26-103. GO Utah office reporting requirement -- Proposals -- Funding.**

1308 (1) Every other year, the Governor's Office of Economic [~~Development~~] Opportunity  
1309 shall report to the Higher Education Appropriations Subcommittee and the board on the high  
1310 demand technical jobs projected to support economic growth in the following high need  
1311 strategic industry clusters:

1312 (a) aerospace and defense;

1313 (b) energy and natural resources;

1314 (c) financial services;

1315 (d) life sciences;

1316 (e) outdoor products;

1317 (f) software development and information technology; and

1318 (g) any other strategic industry cluster designated by the Governor's Office of  
1319 Economic [~~Development~~] Opportunity.

1320 (2) To receive funding under this section, an eligible partnership shall submit a  
1321 proposal containing the elements described in Subsection (3) to the Higher Education  
1322 Appropriations Subcommittee on or before January 5 for fiscal year 2018 and any succeeding  
1323 fiscal year.

1324 (3) A proposal described in Subsection (2) shall include:

1325 (a) a program of instruction that:

1326 (i) is responsive to the workforce needs of a strategic industry cluster described in  
1327 Subsection (1):

- 1328 (A) in one CTE region, for a proposal submitted by a regional partnership; or  
1329 (B) in at least two CTE regions, for a proposal submitted by a statewide partnership;  
1330 (ii) leads to the attainment of a stackable sequence of credentials; and  
1331 (iii) includes a non-duplicative progression of courses that include both academic and  
1332 CTE content;
- 1333 (b) expected student enrollment, attainment rates, and job placement rates;  
1334 (c) evidence of input and support for the proposal from an industry advisory group;  
1335 (d) a description of any financial or in-kind contributions for the program from an  
1336 industry advisory group;  
1337 (e) a description of the job opportunities available at each exit point in the stackable  
1338 sequence of credentials;  
1339 (f) evidence of an official action in support of the proposal from the board;  
1340 (g) if the program of instruction described in Subsection (3)(a) requires board approval  
1341 under Section 53B-16-102, evidence of board approval of the program of instruction; and  
1342 (h) a funding request, including justification for the request.
- 1343 (4) The Higher Education Appropriations Subcommittee shall:  
1344 (a) review a proposal submitted under this section using the following criteria:  
1345 (i) the proposal contains the elements described in Subsection (3);  
1346 (ii) for a proposal from a regional partnership, support for the proposal is widespread  
1347 within the CTE region; and  
1348 (iii) the proposal expands the capacity to meet state or regional workforce needs;  
1349 (b) determine the extent to which to fund the proposal; and  
1350 (c) make a recommendation to the Legislature for funding the proposal through the  
1351 appropriations process.
- 1352 (5) An eligible partnership that receives funding under this section:  
1353 (a) shall use the money to deliver the program of instruction described in the eligible  
1354 partnership's proposal; and  
1355 (b) may not use the money for administration.
- 1356 Section 30. Section 53B-26-303 is amended to read:  
1357 **53B-26-303. Deep Technology Talent Advisory Council.**  
1358 (1) There is created the Deep Technology Talent Advisory Council to make

1359 recommendations to the board in the board's administration of the deep technology talent  
1360 initiative described in Section 53B-26-302.

1361 (2) The advisory council shall consist of the following members:

1362 (a) two members who have extensive experience in deep technology in the private  
1363 sector appointed by the president of the Senate;

1364 (b) two members who have extensive experience in deep technology in the private  
1365 sector appointed by the speaker of the House of Representatives;

1366 (c) a representative of the board appointed by the chair of the board;

1367 (d) a representative of the Governor's Office of Economic [~~Development~~] Opportunity  
1368 appointed by the executive director of the Governor's Office of Economic [~~Development~~]  
1369 Opportunity;

1370 (e) one member of the Senate appointed by the president of the Senate;

1371 (f) one member of the House of Representatives appointed by the speaker of the House  
1372 of Representatives; and

1373 (g) other specialized industry experts who may be invited by a majority of the advisory  
1374 council to participate as needed as nonvoting members.

1375 (3) The board shall provide staff support for the advisory council.

1376 (4) (a) One of the advisory council members appointed under Subsection (2)(a) shall  
1377 serve an initial term of two years and one of the advisory council members appointed under  
1378 Subsection (2)(b) shall serve an initial term of two years.

1379 (b) Except as described in Subsection (4)(a), all other advisory council members shall  
1380 serve an initial term of four years.

1381 (c) Successor advisory council members upon appointment or reappointment shall each  
1382 serve a term of four years.

1383 (d) When a vacancy occurs in the membership for any reason, the replacement shall be  
1384 appointed by the initial appointing authority for the unexpired term.

1385 (e) An advisory council member may not serve more than two consecutive terms.

1386 (5) A vote of a majority of the advisory council members is necessary to take action on  
1387 behalf of the advisory council.

1388 (6) The duties of the advisory council include reviewing, prioritizing, and making  
1389 recommendations to the board regarding proposals for funding under the deep technology

1390 talent initiative described in Section 53B-26-302.

1391 (7) A member may not receive compensation or benefits for the member's service, but  
1392 a member who is not a legislator may receive per diem and travel expenses in accordance with:

1393 (a) Sections 63A-3-106 and 63A-3-107; and

1394 (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1395 63A-3-107.

1396 Section 31. Section 53B-30-101 is enacted to read:

1397 **CHAPTER 30. CAREER READINESS ACT**

1398 **Part 3. General Provisions**

1399 **53B-30-101. Title.**

1400 This chapter is known as the "Career Readiness Act."

1401 Section 32. Section 53B-30-102 is enacted to read:

1402 **53B-30-102. Definitions.**

1403 As used in this chapter:

1404 (1) "Education provider" means:

1405 (a) an institution of higher education listed in Section 53B-2-101; or

1406 (b) a nonprofit Utah provider of postsecondary education.

1407 (2) "Student user" means:

1408 (a) a Utah student in kindergarten through grade 12;

1409 (b) a Utah postsecondary education student;

1410 (c) a parent or guardian of a Utah public education student; or

1411 (d) a Utah potential postsecondary education student.

1412 Section 33. Section 53B-30-201, which is renumbered from Section 63N-12-509 is  
1413 renumbered and amended to read:

1414 **Part 2. State Online Career Counseling**

1415 ~~[63N-12-509].~~ **53B-30-201. State online career counseling program.**

1416 ~~[(1) As used in this section:]~~

1417 ~~[(a) "Education provider" means:]~~

1418 ~~[(i) a Utah institution of higher education as defined in Section 53B-2-101; or]~~

1419 ~~[(ii) a nonprofit Utah provider of postsecondary education.]~~

1420 ~~[(b) "Student user" means:]~~

- 1421 ~~[(i) a Utah student in kindergarten through grade 12;]~~
- 1422 ~~[(ii) a Utah post secondary education student;]~~
- 1423 ~~[(iii) a parent or guardian of a Utah public education student; or]~~
- 1424 ~~[(iv) a Utah potential post secondary education student.]~~
- 1425 ~~[(c) "Utah Futures" means a career planning program developed and administered by~~
- 1426 ~~the talent ready board.]~~
- 1427 (1) The board shall develop and administer a state online career counseling program in
- 1428 accordance with this section.
- 1429 (2) The ~~[talent ready]~~ board shall ensure, as funding allows and is feasible, that ~~[Utah~~
- 1430 ~~Futures will] the program:~~
- 1431 (a) ~~[allow]~~ allows a student user to:
- 1432 (i) access, subject to Subsection (3), information about an education provider or a
- 1433 scholarship provider;
- 1434 (ii) access information about different career opportunities and understand the related
- 1435 educational requirements to enter that career;
- 1436 (iii) access information about education providers;
- 1437 (iv) access up to date information about entrance requirements to education providers;
- 1438 and
- 1439 ~~[(v) apply for entrance to multiple schools without having to fully replicate the~~
- 1440 ~~application process;]~~
- 1441 ~~[(vi) apply for loans, scholarships, or grants from multiple education providers in one~~
- 1442 ~~location without having to fully replicate the application process for multiple education~~
- 1443 ~~providers; and]~~
- 1444 ~~[(vii)]~~ (v) research open jobs from different companies within the user's career interest
- 1445 and apply for those jobs without having to leave the website to do so;
- 1446 (b) ~~[allow]~~ allows all users to:
- 1447 (i) access information about different career opportunities and understand the related
- 1448 educational requirements to enter that career;
- 1449 (ii) access information about education providers; and
- 1450 (iii) access up-to-date information about entrance requirements to education providers;
- 1451 ~~[(iv) apply for entrance to multiple schools without having to fully replicate the~~

1452 application process;]

1453 ~~[(v) apply for loans, scholarships, or grants from multiple education providers in one~~  
1454 ~~location without having to fully replicate the application process for multiple education~~  
1455 ~~providers; and]~~

1456 ~~[(vi) research open jobs from different companies within the user's career interest and~~  
1457 ~~apply for those jobs without having to leave the website to do so;]~~

1458 (c) ~~[allow]~~ allows an education provider to:

1459 (i) request that ~~[Utah Futures]~~ the program send information to student users who are  
1460 interested in various educational opportunities;

1461 (ii) promote the education provider's programs and schools to student users; and  
1462 (iii) connect with student users within the ~~[Utah Futures]~~ program's website;

1463 (d) ~~[allow]~~ allows a Utah business to:

1464 (i) request that ~~[Utah Futures]~~ the program send information to student users who are  
1465 pursuing educational opportunities that are consistent with jobs the Utah business is trying to  
1466 fill now or in the future; and

1467 (ii) market jobs and communicate with student users through the ~~[Utah Futures]~~  
1468 program's website as allowed by law; and

1469 (e) provide analysis and reporting on student user interests and education paths within  
1470 the education system~~[-and]~~.

1471 ~~[(f) allow all users of the Utah Futures' system to communicate and interact through~~  
1472 ~~social networking tools within the Utah Futures website as allowed by law.]~~

1473 (3) A student may access information described in Subsection (2)(a)(i) only if ~~[Utah~~  
1474 ~~Futures]~~ the program obtains written consent:

1475 (a) of a student's parent or legal guardian through the student's school or LEA; or  
1476 (b) for a student who is age 18 or older or an emancipated minor, from the student.

1477 (4) The ~~[talent ready]~~ board:

1478 (a) may charge a fee to a Utah business for services provided by ~~[Utah Futures]~~ the  
1479 program under this section; and

1480 (b) shall establish a fee described in Subsection (4)(a) in accordance with Section  
1481 [63J-1-504](#).

1482 Section 34. Section **54-4-41** is amended to read:

1483 **54-4-41. Recovery of investment in utility-owned vehicle charging infrastructure.**

1484 (1) As used in this section, "charging infrastructure program" means the program  
1485 described in Subsection (2).

1486 (2) The commission shall authorize a large-scale electric utility program that:

1487 (a) allows for funding from large-scale electric utility customers for a maximum of  
1488 \$50,000,000 for all costs and expenses associated with:

1489 (i) the deployment of utility-owned vehicle charging infrastructure; and

1490 (ii) utility vehicle charging service provided by the large-scale electric utility;

1491 (b) creates a new customer class, with a utility vehicle charging service rate structure  
1492 that:

1493 (i) is determined by the commission to be in the public interest;

1494 (ii) is a transitional rate structure expected to allow the large-scale electric utility to  
1495 recover, through charges to utility vehicle charging service customers, the large-scale electric  
1496 utility's full cost of service for utility-owned vehicle charging infrastructure and utility vehicle  
1497 charging service over a reasonable time frame determined by the commission; and

1498 (iii) may allow different rates for large-scale electric utility customers to reflect  
1499 contributions to investment; and

1500 (c) includes a transportation plan that promotes:

1501 (i) the deployment of utility-owned vehicle charging infrastructure in the public  
1502 interest; and

1503 (ii) the availability of utility vehicle charging service.

1504 (3) Before submitting a proposed charging infrastructure program to the commission  
1505 for commission approval under Subsection (2), a large-scale electric utility shall seek and  
1506 consider input from:

1507 (a) the Division of Public Utilities, established in Section [54-4a-1](#);

1508 (b) the Office of Consumer Services, created in Section [54-10a-201](#);

1509 (c) the Division of Air Quality, created in Section [19-1-105](#);

1510 (d) the Department of Transportation, created in Section [72-1-201](#);

1511 (e) the Governor's Office of Economic ~~Development~~ Opportunity, created in Section  
1512 ~~[63N-1-201]~~ [63N-1a-301](#);

1513 (f) the Office of Energy Development, created in Section [63M-4-401](#);

- 1514 (g) the board of the Utah Inland Port Authority, created in Section 11-58-201;
- 1515 (h) representatives of the Point of the Mountain State Land Development Authority,
- 1516 created in Section 11-59-201;
- 1517 (i) third-party electric vehicle battery charging service operators; and
- 1518 (j) any other person who files a request for notice with the commission.
- 1519 (4) The commission shall find a charging infrastructure program to be in the public
- 1520 interest if the commission finds that the charging infrastructure program:
- 1521 (a) increases the availability of electric vehicle battery charging service in the state;
- 1522 (b) enables the significant deployment of infrastructure that supports electric vehicle
- 1523 battery charging service and utility-owned vehicle charging infrastructure in a manner
- 1524 reasonably expected to increase electric vehicle adoption;
- 1525 (c) includes an evaluation of investments in the areas of the authority jurisdictional
- 1526 land, as defined in Section 11-58-102, and the point of the mountain state land, as defined in
- 1527 Section 11-59-102;
- 1528 (d) enables competition, innovation, and customer choice in electric vehicle battery
- 1529 charging services, while promoting low-cost services for electric vehicle battery charging
- 1530 customers; and
- 1531 (e) provides for ongoing coordination with the Department of Transportation, created
- 1532 in Section 72-1-201.
- 1533 (5) The commission may, consistent with Subsection (2), approve an amendment to the
- 1534 charging infrastructure program if the large-scale electric utility demonstrates that the
- 1535 amendment:
- 1536 (a) is prudent;
- 1537 (b) will provide net benefits to customers; and
- 1538 (c) is otherwise consistent with the requirements of Subsection (2).
- 1539 (6) The commission shall authorize recovery of a large-scale electric utility's
- 1540 investment in utility-owned vehicle charging infrastructure through a balancing account or
- 1541 other ratemaking treatment that reflects:
- 1542 (a) charging infrastructure program costs associated with prudent investment, including
- 1543 the large-scale electric utility's pre-tax average weighted cost of capital approved by the
- 1544 commission in the large-scale electric utility's most recent general rate proceeding, and

1545 associated revenue and prudently incurred expenses; and

1546 (b) a carrying charge.

1547 (7) A large-scale electric utility's investment in utility-owned vehicle charging  
1548 infrastructure is prudently made if the large-scale electric utility demonstrates in a formal  
1549 adjudicative proceeding before the commission that the investment can reasonably be  
1550 anticipated to:

1551 (a) result in one or more projects that are in the public interest of the large-scale  
1552 electric utility's customers to reduce transportation sector emissions over a reasonable time  
1553 period as determined by the commission;

1554 (b) provide the large-scale electric utility's customers significant benefits that may  
1555 include revenue from utility vehicle charging service that offsets the large-scale electric utility's  
1556 costs and expenses; and

1557 (c) facilitate any other measure that the commission determines:

1558 (i) promotes deployment of utility-owned vehicle charging infrastructure and utility  
1559 vehicle charging service; or

1560 (ii) creates significant benefits in the long term for customers of the large-scale electric  
1561 utility.

1562 (8) A large-scale electric utility that establishes and implements a charging  
1563 infrastructure program shall annually, on or before June 1, submit a written report to the Public  
1564 Utilities, Energy, and Technology Interim Committee of the Legislature about the charging  
1565 infrastructure program's activities during the previous calendar year, including information on:

1566 (a) the charging infrastructure program's status, operation, funding, and benefits;

1567 (b) the disposition of charging infrastructure program funds; and

1568 (c) the charging infrastructure program's impact on rates.

1569 Section 35. Section **59-1-403** is amended to read:

1570 **59-1-403. Confidentiality -- Exceptions -- Penalty -- Application to property tax.**

1571 (1) (a) Any of the following may not divulge or make known in any manner any  
1572 information gained by that person from any return filed with the commission:

1573 (i) a tax commissioner;

1574 (ii) an agent, clerk, or other officer or employee of the commission; or

1575 (iii) a representative, agent, clerk, or other officer or employee of any county, city, or

1576 town.

1577 (b) An official charged with the custody of a return filed with the commission is not  
1578 required to produce the return or evidence of anything contained in the return in any action or  
1579 proceeding in any court, except:

1580 (i) in accordance with judicial order;

1581 (ii) on behalf of the commission in any action or proceeding under:

1582 (A) this title; or

1583 (B) other law under which persons are required to file returns with the commission;

1584 (iii) on behalf of the commission in any action or proceeding to which the commission  
1585 is a party; or

1586 (iv) on behalf of any party to any action or proceeding under this title if the report or  
1587 facts shown by the return are directly involved in the action or proceeding.

1588 (c) Notwithstanding Subsection (1)(b), a court may require the production of, and may  
1589 admit in evidence, any portion of a return or of the facts shown by the return, as are specifically  
1590 pertinent to the action or proceeding.

1591 (2) This section does not prohibit:

1592 (a) a person or that person's duly authorized representative from receiving a copy of  
1593 any return or report filed in connection with that person's own tax;

1594 (b) the publication of statistics as long as the statistics are classified to prevent the  
1595 identification of particular reports or returns; and

1596 (c) the inspection by the attorney general or other legal representative of the state of the  
1597 report or return of any taxpayer:

1598 (i) who brings action to set aside or review a tax based on the report or return;

1599 (ii) against whom an action or proceeding is contemplated or has been instituted under  
1600 this title; or

1601 (iii) against whom the state has an unsatisfied money judgment.

1602 (3) (a) Notwithstanding Subsection (1) and for purposes of administration, the  
1603 commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative  
1604 Rulemaking Act, provide for a reciprocal exchange of information with:

1605 (i) the United States Internal Revenue Service; or

1606 (ii) the revenue service of any other state.

1607 (b) Notwithstanding Subsection (1) and for all taxes except individual income tax and  
1608 corporate franchise tax, the commission may by rule, made in accordance with Title 63G,  
1609 Chapter 3, Utah Administrative Rulemaking Act, share information gathered from returns and  
1610 other written statements with the federal government, any other state, any of the political  
1611 subdivisions of another state, or any political subdivision of this state, except as limited by  
1612 Sections 59-12-209 and 59-12-210, if the political subdivision, other state, or the federal  
1613 government grant substantially similar privileges to this state.

1614 (c) Notwithstanding Subsection (1) and for all taxes except individual income tax and  
1615 corporate franchise tax, the commission may by rule, in accordance with Title 63G, Chapter 3,  
1616 Utah Administrative Rulemaking Act, provide for the issuance of information concerning the  
1617 identity and other information of taxpayers who have failed to file tax returns or to pay any tax  
1618 due.

1619 (d) Notwithstanding Subsection (1), the commission shall provide to the director of the  
1620 Division of Environmental Response and Remediation, as defined in Section 19-6-402, as  
1621 requested by the director of the Division of Environmental Response and Remediation, any  
1622 records, returns, or other information filed with the commission under Chapter 13, Motor and  
1623 Special Fuel Tax Act, or Section 19-6-410.5 regarding the environmental assurance program  
1624 participation fee.

1625 (e) Notwithstanding Subsection (1), at the request of any person the commission shall  
1626 provide that person sales and purchase volume data reported to the commission on a report,  
1627 return, or other information filed with the commission under:

1628 (i) Chapter 13, Part 2, Motor Fuel; or

1629 (ii) Chapter 13, Part 4, Aviation Fuel.

1630 (f) Notwithstanding Subsection (1), upon request from a tobacco product manufacturer,  
1631 as defined in Section 59-22-202, the commission shall report to the manufacturer:

1632 (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the  
1633 manufacturer and reported to the commission for the previous calendar year under Section  
1634 59-14-407; and

1635 (ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the  
1636 manufacturer for which a tax refund was granted during the previous calendar year under  
1637 Section 59-14-401 and reported to the commission under Subsection 59-14-401(1)(a)(v).

1638 (g) Notwithstanding Subsection (1), the commission shall notify manufacturers,  
1639 distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is prohibited  
1640 from selling cigarettes to consumers within the state under Subsection 59-14-210(2).

1641 (h) Notwithstanding Subsection (1), the commission may:

1642 (i) provide to the Division of Consumer Protection within the Department of  
1643 Commerce and the attorney general data:

1644 (A) reported to the commission under Section 59-14-212; or

1645 (B) related to a violation under Section 59-14-211; and

1646 (ii) upon request, provide to any person data reported to the commission under  
1647 Subsections 59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).

1648 (i) Notwithstanding Subsection (1), the commission shall, at the request of a committee  
1649 of the Legislature, the Office of the Legislative Fiscal Analyst, or the Governor's Office of  
1650 Management and Budget, provide to the committee or office the total amount of revenues  
1651 collected by the commission under Chapter 24, Radioactive Waste Facility Tax Act, for the  
1652 time period specified by the committee or office.

1653 (j) Notwithstanding Subsection (1), the commission shall make the directory required  
1654 by Section 59-14-603 available for public inspection.

1655 (k) Notwithstanding Subsection (1), the commission may share information with  
1656 federal, state, or local agencies as provided in Subsection 59-14-606(3).

1657 (l) (i) Notwithstanding Subsection (1), the commission shall provide the Office of  
1658 Recovery Services within the Department of Human Services any relevant information  
1659 obtained from a return filed under Chapter 10, Individual Income Tax Act, regarding a taxpayer  
1660 who has become obligated to the Office of Recovery Services.

1661 (ii) The information described in Subsection (3)(l)(i) may be provided by the Office of  
1662 Recovery Services to any other state's child support collection agency involved in enforcing  
1663 that support obligation.

1664 (m) (i) Notwithstanding Subsection (1), upon request from the state court  
1665 administrator, the commission shall provide to the state court administrator, the name, address,  
1666 telephone number, county of residence, and social security number on resident returns filed  
1667 under Chapter 10, Individual Income Tax Act.

1668 (ii) The state court administrator may use the information described in Subsection

- 1669 (3)(m)(i) only as a source list for the master jury list described in Section [78B-1-106](#).
- 1670 (n) (i) As used in this Subsection (3)(n):
- 1671 (A) [~~GOED~~] "GO Utah office" means the Governor's Office of Economic
- 1672 [~~Development~~] Opportunity created in Section [~~63N-1-201~~] [63N-1a-301](#).
- 1673 (B) "Income tax information" means information gained by the commission that is
- 1674 required to be attached to or included in a return filed with the commission under Chapter 7,
- 1675 Corporate Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act.
- 1676 (C) "Other tax information" means information gained by the commission that is
- 1677 required to be attached to or included in a return filed with the commission except for a return
- 1678 filed under Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10, Individual
- 1679 Income Tax Act.
- 1680 (D) "Tax information" means income tax information or other tax information.
- 1681 (ii) (A) Notwithstanding Subsection (1) and except as provided in Subsection
- 1682 (3)(n)(ii)(B) or (C), the commission shall at the request of [~~GOED~~] the GO Utah office provide
- 1683 to [~~GOED~~] the GO Utah office all income tax information.
- 1684 (B) For purposes of a request for income tax information made under Subsection
- 1685 (3)(n)(ii)(A), [~~GOED~~] the GO Utah office may not request and the commission may not
- 1686 provide to [~~GOED~~] the GO Utah office a person's address, name, social security number, or
- 1687 taxpayer identification number.
- 1688 (C) In providing income tax information to [~~GOED~~] the GO Utah office, the
- 1689 commission shall in all instances protect the privacy of a person as required by Subsection
- 1690 (3)(n)(ii)(B).
- 1691 (iii) (A) Notwithstanding Subsection (1) and except as provided in Subsection
- 1692 (3)(n)(iii)(B), the commission shall at the request of [~~GOED~~] the GO Utah office provide to
- 1693 [~~GOED~~] the GO Utah office other tax information.
- 1694 (B) Before providing other tax information to [~~GOED~~] the GO Utah office, the
- 1695 commission shall redact or remove any name, address, social security number, or taxpayer
- 1696 identification number.
- 1697 (iv) [~~GOED~~] The GO Utah office may provide tax information received from the
- 1698 commission in accordance with this Subsection (3)(n) only:
- 1699 (A) as a fiscal estimate, fiscal note information, or statistical information; and

1700 (B) if the tax information is classified to prevent the identification of a particular  
1701 return.

1702 (v) (A) A person may not request tax information from [~~GOED~~] the GO Utah office  
1703 under Title 63G, Chapter 2, Government Records Access and Management Act, or this section,  
1704 if [~~GOED~~] the GO Utah office received the tax information from the commission in  
1705 accordance with this Subsection (3)(n).

1706 (B) [~~GOED~~] The GO Utah office may not provide to a person that requests tax  
1707 information in accordance with Subsection (3)(n)(v)(A) any tax information other than the tax  
1708 information [~~GOED~~] the GO Utah office provides in accordance with Subsection (3)(n)(iv).

1709 (o) Notwithstanding Subsection (1), the commission may provide to the governing  
1710 board of the agreement or a taxing official of another state, the District of Columbia, the United  
1711 States, or a territory of the United States:

1712 (i) the following relating to an agreement sales and use tax:

1713 (A) information contained in a return filed with the commission;

1714 (B) information contained in a report filed with the commission;

1715 (C) a schedule related to Subsection (3)(o)(i)(A) or (B); or

1716 (D) a document filed with the commission; or

1717 (ii) a report of an audit or investigation made with respect to an agreement sales and  
1718 use tax.

1719 (p) Notwithstanding Subsection (1), the commission may provide information  
1720 concerning a taxpayer's state income tax return or state income tax withholding information to  
1721 the Driver License Division if the Driver License Division:

1722 (i) requests the information; and

1723 (ii) provides the commission with a signed release form from the taxpayer allowing the  
1724 Driver License Division access to the information.

1725 (q) Notwithstanding Subsection (1), the commission shall provide to the Utah  
1726 Communications Authority, or a division of the Utah Communications Authority, the  
1727 information requested by the authority under Sections [63H-7a-302](#), [63H-7a-402](#), and  
1728 [63H-7a-502](#).

1729 (r) Notwithstanding Subsection (1), the commission shall provide to the Utah  
1730 Educational Savings Plan information related to a resident or nonresident individual's

1731 contribution to a Utah Educational Savings Plan account as designated on the resident or  
1732 nonresident's individual income tax return as provided under Section 59-10-1313.

1733 (s) Notwithstanding Subsection (1), for the purpose of verifying eligibility under  
1734 Sections 26-18-2.5 and 26-40-105, the commission shall provide an eligibility worker with the  
1735 Department of Health or its designee with the adjusted gross income of an individual if:

1736 (i) an eligibility worker with the Department of Health or its designee requests the  
1737 information from the commission; and

1738 (ii) the eligibility worker has complied with the identity verification and consent  
1739 provisions of Sections 26-18-2.5 and 26-40-105.

1740 (t) Notwithstanding Subsection (1), the commission may provide to a county, as  
1741 determined by the commission, information declared on an individual income tax return in  
1742 accordance with Section 59-10-103.1 that relates to eligibility to claim a residential exemption  
1743 authorized under Section 59-2-103.

1744 (u) Notwithstanding Subsection (1), the commission shall provide a report regarding  
1745 any access line provider that is over 90 days delinquent in payment to the commission of  
1746 amounts the access line provider owes under Title 69, Chapter 2, Part 4, Prepaid Wireless  
1747 Telecommunications Service Charges, to the board of the Utah Communications Authority  
1748 created in Section 63H-7a-201.

1749 (v) Notwithstanding Subsection (1), the commission shall provide the Department of  
1750 Environmental Quality a report on the amount of tax paid by a radioactive waste facility for the  
1751 previous calendar year under Section 59-24-103.5.

1752 (w) Notwithstanding Subsection (1), the commission may, upon request, provide to the  
1753 Department of Workforce Services any information received under Chapter 10, Part 4,  
1754 Withholding of Tax, that is relevant to the duties of the Department of Workforce Services.

1755 (x) Notwithstanding Subsection (1), the commission may provide the Public Service  
1756 Commission or the Division of Public Utilities information related to a seller that collects and  
1757 remits to the commission a charge described in Subsection 69-2-405(2), including the seller's  
1758 identity and the number of charges described in Subsection 69-2-405(2) that the seller collects.

1759 (4) (a) Each report and return shall be preserved for at least three years.

1760 (b) After the three-year period provided in Subsection (4)(a) the commission may  
1761 destroy a report or return.

1762 (5) (a) Any individual who violates this section is guilty of a class A misdemeanor.

1763 (b) If the individual described in Subsection (5)(a) is an officer or employee of the  
1764 state, the individual shall be dismissed from office and be disqualified from holding public  
1765 office in this state for a period of five years thereafter.

1766 (c) Notwithstanding Subsection (5)(a) or (b), [~~GOED~~] the GO Utah office, when  
1767 requesting information in accordance with Subsection (3)(n)(iii), or an individual who requests  
1768 information in accordance with Subsection (3)(n)(v):

1769 (i) is not guilty of a class A misdemeanor; and

1770 (ii) is not subject to:

1771 (A) dismissal from office in accordance with Subsection (5)(b); or

1772 (B) disqualification from holding public office in accordance with Subsection (5)(b).

1773 (6) Except as provided in Section ~~59-1-404~~, this part does not apply to the property tax.  
1774 Section 36. Section ~~59-7-159~~ is amended to read:

1775 **59-7-159. Review of credits allowed under this chapter.**

1776 (1) As used in this section, "committee" means the Revenue and Taxation Interim  
1777 Committee.

1778 (2) (a) The committee shall review the tax credits described in this chapter as provided  
1779 in Subsection (3) and make recommendations concerning whether the tax credits should be  
1780 continued, modified, or repealed.

1781 (b) In conducting the review required under Subsection (2)(a), the committee shall:

1782 (i) schedule time on at least one committee agenda to conduct the review;

1783 (ii) invite state agencies, individuals, and organizations concerned with the tax credit  
1784 under review to provide testimony;

1785 (iii) (A) invite the Governor's Office of Economic [~~Development~~] Opportunity to  
1786 present a summary and analysis of the information for each tax credit regarding which the  
1787 Governor's Office of Economic [~~Development~~] Opportunity is required to make a report under  
1788 this chapter; and

1789 (B) invite the Office of the Legislative Fiscal Analyst to present a summary and  
1790 analysis of the information for each tax credit regarding which the Office of the Legislative  
1791 Fiscal Analyst is required to make a report under this chapter;

1792 (iv) ensure that the committee's recommendations described in this section include an

1793 evaluation of:

1794 (A) the cost of the tax credit to the state;

1795 (B) the purpose and effectiveness of the tax credit; and

1796 (C) the extent to which the state benefits from the tax credit; and

1797 (v) undertake other review efforts as determined by the committee chairs or as

1798 otherwise required by law.

1799 (3) (a) On or before November 30, 2017, and every three years after 2017, the

1800 committee shall conduct the review required under Subsection (2) of the tax credits allowed

1801 under the following sections:

1802 (i) Section 59-7-601;

1803 (ii) Section 59-7-607;

1804 (iii) Section 59-7-612;

1805 (iv) Section 59-7-614.1; and

1806 (v) Section 59-7-614.5.

1807 (b) On or before November 30, 2018, and every three years after 2018, the committee

1808 shall conduct the review required under Subsection (2) of the tax credits allowed under the

1809 following sections:

1810 (i) Section 59-7-609;

1811 (ii) Section 59-7-614.2;

1812 (iii) Section 59-7-614.10;

1813 (iv) Section 59-7-619;

1814 (v) Section 59-7-620; and

1815 (vi) Section 59-7-624.

1816 (c) On or before November 30, 2019, and every three years after 2019, the committee

1817 shall conduct the review required under Subsection (2) of the tax credits allowed under the

1818 following sections:

1819 (i) Section 59-7-610;

1820 (ii) Section 59-7-614; and

1821 (iii) Section 59-7-614.7[~~;~~and].

1822 [~~(iv) Section 59-7-618.~~]

1823 (d) (i) In addition to the reviews described in this Subsection (3), the committee shall

1824 conduct a review of a tax credit described in this chapter that is enacted on or after January 1,  
1825 2017.

1826 (ii) The committee shall complete a review described in this Subsection (3)(d) three  
1827 years after the effective date of the tax credit and every three years after the initial review date.

1828 Section 37. Section **59-7-614.2** is amended to read:

1829 **59-7-614.2. Refundable economic development tax credit.**

1830 (1) As used in this section:

1831 (a) "Business entity" means a taxpayer that meets the definition of "business entity" as  
1832 defined in Section [63N-2-103](#).

1833 (b) "Community reinvestment agency" means the same as that term is defined in  
1834 Section [17C-1-102](#).

1835 (c) "Incremental job" means the same as that term is defined in Section [63N-1a-102](#).

1836 ~~[(e)]~~ (d) "Local government entity" means the same as that term is defined in Section  
1837 [63N-2-103](#).

1838 ~~[(d) "New incremental jobs" means the same as that term is defined in Section~~  
1839 ~~[63N-2-103](#).]~~

1840 (e) "New state ~~[revenues]~~ revenue" means the same as that term is defined in Section  
1841 ~~[[63N-2-103](#)]~~ [63N-1a-102](#).

1842 (f) "Office" means the Governor's Office of Economic ~~[Development]~~ Opportunity.

1843 (2) Subject to the other provisions of this section, a business entity, local government  
1844 entity, or community reinvestment agency may claim a refundable tax credit for economic  
1845 development.

1846 (3) The tax credit under this section is the amount listed as the tax credit amount on the  
1847 tax credit certificate that the office issues to the business entity, local government entity, or  
1848 community reinvestment agency for the taxable year.

1849 (4) A community reinvestment agency may claim a tax credit under this section only if  
1850 a local government entity assigns the tax credit to the community reinvestment agency in  
1851 accordance with Section [63N-2-104](#).

1852 (5) (a) In accordance with any rules prescribed by the commission under Subsection  
1853 (5)(b), the commission shall make a refund to the following that claim a tax credit under this  
1854 section:

1855 (i) a local government entity;  
1856 (ii) a community reinvestment agency; or  
1857 (iii) a business entity if the amount of the tax credit exceeds the business entity's tax  
1858 liability for a taxable year.

1859 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1860 commission may make rules providing procedures for making a refund to a business entity,  
1861 local government entity, or community reinvestment agency as required by Subsection (5)(a).

1862 (6) (a) In accordance with Section 59-7-159, the Revenue and Taxation Interim  
1863 Committee shall study the tax credit allowed by this section and make recommendations  
1864 concerning whether the tax credit should be continued, modified, or repealed.

1865 (b) Except as provided in Subsection (6)(c), for purposes of the study required by this  
1866 Subsection (6), the office shall provide the following information, if available to the office, to  
1867 the Revenue and Taxation Interim Committee by electronic means:

1868 (i) the amount of tax credit that the office grants to each business entity, local  
1869 government entity, or community reinvestment agency for each calendar year;

1870 (ii) the criteria that the office uses in granting a tax credit;

1871 (iii) (A) for a business entity, the new state ~~[revenues]~~ revenue generated by the  
1872 business entity for the calendar year; or

1873 (B) for a local government entity, regardless of whether the local government entity  
1874 assigns the tax credit in accordance with Section 63N-2-104, the new state ~~[revenues]~~ revenue  
1875 generated as a result of a new commercial project within the local government entity for each  
1876 calendar year;

1877 (iv) estimates for each of the next three calendar years of the following:

1878 (A) the amount of tax credits that the office will grant;

1879 (B) the amount of new state ~~[revenues]~~ revenue that will be generated; and

1880 (C) the number of new incremental jobs within the state that will be generated;

1881 (v) the information contained in the office's latest report under Section 63N-2-106; and

1882 (vi) any other information that the Revenue and Taxation Interim Committee requests.

1883 (c) (i) In providing the information described in Subsection (6)(b), the office shall  
1884 redact information that identifies a recipient of a tax credit under this section.

1885 (ii) If, notwithstanding the redactions made under Subsection (6)(c)(i), reporting the

1886 information described in Subsection (6)(b) might disclose the identity of a recipient of a tax  
1887 credit, the office may file a request with the Revenue and Taxation Interim Committee to  
1888 provide the information described in Subsection (6)(b) in the aggregate for all entities and  
1889 agencies that receive the tax credit under this section.

1890 (d) The Revenue and Taxation Interim Committee shall ensure that the  
1891 recommendations described in Subsection (6)(a) include an evaluation of:

- 1892 (i) the cost of the tax credit to the state;
- 1893 (ii) the purpose and effectiveness of the tax credit; and
- 1894 (iii) the extent to which the state benefits from the tax credit.

1895 Section 38. Section **59-7-614.5** is amended to read:

1896 **59-7-614.5. Refundable motion picture tax credit.**

1897 (1) As used in this section:

1898 (a) "Motion picture company" means a taxpayer that meets the definition of a motion  
1899 picture company under Section [63N-8-102](#).

1900 (b) "Office" means the Governor's Office of Economic ~~[Development]~~ Opportunity  
1901 created in Section ~~[63N-1-201]~~ [63N-1a-301](#).

1902 (c) "State-approved production" means the same as that term is defined in Section  
1903 [63N-8-102](#).

1904 (2) For a taxable year beginning on or after January 1, 2009, a motion picture company  
1905 may claim a refundable tax credit for a state-approved production.

1906 (3) The tax credit under this section is the amount listed as the tax credit amount on the  
1907 tax credit certificate that the office issues to a motion picture company under Section  
1908 [63N-8-103](#) for the taxable year.

1909 (4) (a) In accordance with any rules prescribed by the commission under Subsection  
1910 (4)(b), the commission shall make a refund to a motion picture company that claims a tax  
1911 credit under this section if the amount of the tax credit exceeds the motion picture company's  
1912 tax liability for a taxable year.

1913 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1914 commission may make rules providing procedures for making a refund to a motion picture  
1915 company as required by Subsection (4)(a).

1916 (5) (a) In accordance with Section [59-7-159](#), the Revenue and Taxation Interim

1917 Committee shall study the tax credit allowed by this section and make recommendations  
1918 concerning whether the tax credit should be continued, modified, or repealed.

1919 (b) (i) Except as provided in Subsection (5)(b)(ii), for purposes of the study required by  
1920 this Subsection (5), the office shall provide the following information, if available to the office,  
1921 to the Office of the Legislative Fiscal Analyst by electronic means:

1922 (A) the amount of tax credit that the office grants to each motion picture company for  
1923 each calendar year;

1924 (B) estimates of the amount of tax credit that the office will grant for each of the next  
1925 three calendar years;

1926 (C) the criteria that the office uses in granting the tax credit;

1927 (D) the dollars left in the state, as defined in Section [63N-8-102](#), by each motion  
1928 picture company for each calendar year;

1929 (E) the information contained in the office's latest report under Section [~~63N-8-105~~]  
1930 [63N-1a-306](#); and

1931 (F) any other information that the Office of the Legislative Fiscal Analyst requests.

1932 (ii) (A) In providing the information described in Subsection (5)(b)(i), the office shall  
1933 redact information that identifies a recipient of a tax credit under this section.

1934 (B) If, notwithstanding the redactions made under Subsection (5)(b)(ii)(A), reporting  
1935 the information described in Subsection (5)(b)(i) might disclose the identity of a recipient of a  
1936 tax credit, the office may file a request with the Revenue and Taxation Interim Committee to  
1937 provide the information described in Subsection (5)(b)(i) in the aggregate for all motion picture  
1938 companies that receive the tax credit under this section.

1939 (c) As part of the study required by this Subsection (5), the Office of the Legislative  
1940 Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and  
1941 analysis of the information provided to the Office of the Legislative Fiscal Analyst by the  
1942 office under Subsection (5)(b).

1943 (d) The Revenue and Taxation Interim Committee shall ensure that the  
1944 recommendations described in Subsection (5)(a) include an evaluation of:

1945 (i) the cost of the tax credit to the state;

1946 (ii) the effectiveness of the tax credit; and

1947 (iii) the extent to which the state benefits from the tax credit.

1948 Section 39. Section **59-7-614.10** is amended to read:

1949 **59-7-614.10. Nonrefundable enterprise zone tax credit.**

1950 (1) As used in this section:

1951 (a) "Business entity" means a corporation that meets the definition of "business entity"  
1952 as that term is defined in Section [63N-2-202](#).

1953 (b) "Office" means the Governor's Office of Economic ~~[Development]~~ Opportunity  
1954 created in Section ~~[63N-1-201]~~ [63N-1a-301](#).

1955 (2) Subject to the provisions of this section, a business entity may claim a  
1956 nonrefundable enterprise zone tax credit as described in Section [63N-2-213](#).

1957 (3) The enterprise zone tax credit under this section is the amount listed as the tax  
1958 credit amount on the tax credit certificate that the office issues to the business entity for the  
1959 taxable year.

1960 (4) A business entity may carry forward a tax credit under this section for a period that  
1961 does not exceed the next three taxable years, if the amount of the tax credit exceeds the  
1962 business entity's tax liability under this chapter for that taxable year.

1963 (5) A business entity may not claim or carry forward a tax credit under this part for a  
1964 taxable year during which the business entity has claimed the targeted business income tax  
1965 credit under Section [59-7-624](#).

1966 (6) (a) In accordance with Section [59-7-159](#), the Revenue and Taxation Interim  
1967 Committee shall study the tax credit allowed by this section and make recommendations  
1968 concerning whether the tax credit should be continued, modified, or repealed.

1969 (b) (i) Except as provided in Subsection (6)(b)(ii), for purposes of the study required by  
1970 this Subsection (6), the office shall provide by electronic means the following information for  
1971 each calendar year to the Office of the Legislative Fiscal Analyst:

1972 (A) the amount of tax credits provided in each development zone;

1973 (B) the number of new full-time employee positions reported to obtain tax credits in  
1974 each development zone;

1975 (C) the amount of tax credits awarded for rehabilitating a building in each development  
1976 zone;

1977 (D) the amount of tax credits awarded for investing in a plant, equipment, or other  
1978 depreciable property in each development zone;

1979 (E) the information related to the tax credit contained in the office's latest report under  
1980 Section [63N-1-301](#); and

1981 (F) any other information that the Office of the Legislative Fiscal Analyst requests.

1982 (ii) (A) In providing the information described in Subsection (6)(b)(i), the office shall  
1983 redact information that identifies a recipient of a tax credit under this section.

1984 (B) If, notwithstanding the redactions made under Subsection (6)(b)(ii)(A), reporting  
1985 the information described in Subsection (6)(b)(i) might disclose the identity of a recipient of a  
1986 tax credit, the office may file a request with the Revenue and Taxation Interim Committee to  
1987 provide the information described in Subsection (6)(b)(i) in the aggregate for all development  
1988 zones that receive the tax credit under this section.

1989 (c) As part of the study required by this Subsection (6), the Office of the Legislative  
1990 Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and  
1991 analysis of the information provided to the Office of the Legislative Fiscal Analyst by the  
1992 office under Subsection (6)(b).

1993 (d) The Revenue and Taxation Interim Committee shall ensure that the  
1994 recommendations described in Subsection (6)(a) include an evaluation of:

- 1995 (i) the cost of the tax credit to the state;  
1996 (ii) the purpose and effectiveness of the tax credit; and  
1997 (iii) the extent to which the state benefits from the tax credit.

1998 Section 40. Section **59-7-621** is amended to read:

1999 **59-7-621. Nonrefundable rural job creation tax credit.**

2000 (1) As used in this section, "office" means the Governor's Office of Economic  
2001 [~~Development~~] Opportunity created in Section [~~63N-1-201~~] [63N-1a-301](#).

2002 (2) Subject to the other provisions of this section, a taxpayer may claim a  
2003 nonrefundable tax credit for rural job creation as provided in this section.

2004 (3) The tax credit under this section is the amount listed as the tax credit amount on a  
2005 tax credit certificate that the office issues under Title 63N, Chapter 4, Part 3, Utah Rural Jobs  
2006 Act, to the taxpayer for the taxable year.

2007 (4) A taxpayer may carry forward a tax credit under this section for the next seven  
2008 taxable years if the amount of the tax credit exceeds the taxpayer's tax liability under this  
2009 chapter for the taxable year in which the taxpayer claims the tax credit.

2010 Section 41. Section **59-7-624** is amended to read:

2011 **59-7-624. Targeted business income tax credit.**

2012 (1) As used in this section, "business applicant" means the same as that term is defined  
2013 in Section [63N-2-302](#).

2014 (2) A business applicant that is certified and issued a targeted business income tax  
2015 eligibility certificate by the Governor's Office of Economic ~~[Development]~~ Opportunity under  
2016 Section [63N-2-304](#) may claim a refundable tax credit in the amount specified on the targeted  
2017 business income tax eligibility certificate.

2018 (3) For a taxable year for which a business applicant claims a targeted business income  
2019 tax credit under this section, the business applicant may not claim or carry forward a tax credit  
2020 under Section [59-7-610](#), Section [59-10-1007](#), or Title 63N, Chapter 2, Part 2, Enterprise Zone  
2021 Act.

2022 Section 42. Section **59-10-137** is amended to read:

2023 **59-10-137. Review of credits allowed under this chapter.**

2024 (1) As used in this section, "committee" means the Revenue and Taxation Interim  
2025 Committee.

2026 (2) (a) The committee shall review the tax credits described in this chapter as provided  
2027 in Subsection (3) and make recommendations concerning whether the tax credits should be  
2028 continued, modified, or repealed.

2029 (b) In conducting the review required under Subsection (2)(a), the committee shall:

2030 (i) schedule time on at least one committee agenda to conduct the review;

2031 (ii) invite state agencies, individuals, and organizations concerned with the tax credit  
2032 under review to provide testimony;

2033 (iii) (A) invite the Governor's Office of Economic ~~[Development]~~ Opportunity to  
2034 present a summary and analysis of the information for each tax credit regarding which the  
2035 Governor's Office of Economic ~~[Development]~~ Opportunity is required to make a report under  
2036 this chapter; and

2037 (B) invite the Office of the Legislative Fiscal Analyst to present a summary and  
2038 analysis of the information for each tax credit regarding which the Office of the Legislative  
2039 Fiscal Analyst is required to make a report under this chapter;

2040 (iv) ensure that the committee's recommendations described in this section include an

2041 evaluation of:

2042 (A) the cost of the tax credit to the state;

2043 (B) the purpose and effectiveness of the tax credit; and

2044 (C) the extent to which the state benefits from the tax credit; and

2045 (v) undertake other review efforts as determined by the committee chairs or as

2046 otherwise required by law.

2047 (3) (a) On or before November 30, 2017, and every three years after 2017, the

2048 committee shall conduct the review required under Subsection (2) of the tax credits allowed

2049 under the following sections:

2050 (i) Section 59-10-1004;

2051 (ii) Section 59-10-1010;

2052 (iii) Section 59-10-1015;

2053 (iv) Section 59-10-1025;

2054 (v) Section 59-10-1027;

2055 (vi) Section 59-10-1031;

2056 (vii) Section 59-10-1032;

2057 (viii) Section 59-10-1035;

2058 (ix) Section 59-10-1104;

2059 (x) Section 59-10-1105; and

2060 (xi) Section 59-10-1108.

2061 (b) On or before November 30, 2018, and every three years after 2018, the committee

2062 shall conduct the review required under Subsection (2) of the tax credits allowed under the

2063 following sections:

2064 (i) Section 59-10-1005;

2065 (ii) Section 59-10-1006;

2066 (iii) Section 59-10-1012;

2067 (iv) Section 59-10-1022;

2068 (v) Section 59-10-1023;

2069 (vi) Section 59-10-1028;

2070 (vii) Section 59-10-1034;

2071 (viii) Section 59-10-1037;

2072 (ix) Section 59-10-1107; and

2073 (x) Section 59-10-1112.

2074 (c) On or before November 30, 2019, and every three years after 2019, the committee  
2075 shall conduct the review required under Subsection (2) of the tax credits allowed under the  
2076 following sections:

2077 (i) Section 59-10-1007;

2078 (ii) Section 59-10-1014;

2079 (iii) Section 59-10-1017;

2080 (iv) Section 59-10-1018;

2081 (v) Section 59-10-1019;

2082 (vi) Section 59-10-1024;

2083 (vii) Section 59-10-1029;

2084 [~~(viii) Section 59-10-1033;~~]

2085 [~~(ix)~~] (viii) Section 59-10-1036;

2086 [~~(x)~~] (ix) Section 59-10-1106; and

2087 [~~(xi)~~] (x) Section 59-10-1111.

2088 (d) (i) In addition to the reviews described in this Subsection (3), the committee shall  
2089 conduct a review of a tax credit described in this chapter that is enacted on or after January 1,  
2090 2017.

2091 (ii) The committee shall complete a review described in this Subsection (3)(d) three  
2092 years after the effective date of the tax credit and every three years after the initial review date.

2093 Section 43. Section 59-10-1037 is amended to read:

2094 **59-10-1037. Nonrefundable enterprise zone tax credit.**

2095 (1) As used in this section:

2096 (a) "Business entity" means a claimant, estate, or trust that meets the definition of  
2097 "business entity" as that term is defined in Section 63N-2-202.

2098 (b) "Office" means the Governor's Office of Economic [~~Development~~] Opportunity  
2099 created in Section [~~63N-1-201~~] 63N-1a-301.

2100 (2) Subject to the provisions of this section, a business entity may claim a  
2101 nonrefundable enterprise zone tax credit as described in Section 63N-2-213.

2102 (3) The enterprise zone tax credit under this section is the amount listed as the tax

2103 credit amount on the tax credit certificate that the office issues to the business entity for the  
2104 taxable year.

2105 (4) A business entity may carry forward a tax credit under this section for a period that  
2106 does not exceed the next three taxable years, if the amount of the tax credit exceeds the  
2107 business entity's tax liability under this chapter for that taxable year.

2108 (5) A business entity may not claim or carry forward a tax credit under this part for a  
2109 taxable year during which the business entity has claimed the targeted business income tax  
2110 credit under Section [59-10-1112](#).

2111 (6) (a) In accordance with Section [59-10-137](#), the Revenue and Taxation Interim  
2112 Committee shall study the tax credit allowed by this section and make recommendations  
2113 concerning whether the tax credit should be continued, modified, or repealed.

2114 (b) (i) Except as provided in Subsection (6)(b)(ii), for purposes of the study required by  
2115 this Subsection (6), the office shall provide by electronic means the following information, if  
2116 available to the office, for each calendar year to the Office of the Legislative Fiscal Analyst:

2117 (A) the amount of tax credits provided in each development zone;

2118 (B) the number of new full-time employee positions reported to obtain tax credits in  
2119 each development zone;

2120 (C) the amount of tax credits awarded for rehabilitating a building in each development  
2121 zone;

2122 (D) the amount of tax credits awarded for investing in a plant, equipment, or other  
2123 depreciable property in each development zone;

2124 (E) the information related to the tax credit contained in the office's latest report under  
2125 Section [~~63N-1-301~~] [63N-1a-306](#); and

2126 (F) other information that the Office of the Legislative Fiscal Analyst requests.

2127 (ii) (A) In providing the information described in Subsection (6)(b)(i), the office shall  
2128 redact information that identifies a recipient of a tax credit under this section.

2129 (B) If, notwithstanding the redactions made under Subsection (6)(b)(ii)(A), reporting  
2130 the information described in Subsection (6)(b)(i) might disclose the identity of a recipient of a  
2131 tax credit, the office may file a request with the Revenue and Taxation Interim Committee to  
2132 provide the information described in Subsection (6)(b)(i) in the aggregate for all development  
2133 zones that receive the tax credit under this section.

2134 (c) As part of the study required by this Subsection (6), the Office of the Legislative  
2135 Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and  
2136 analysis of the information provided to the Office of the Legislative Fiscal Analyst by the  
2137 office under Subsection (6)(b).

2138 (d) The Revenue and Taxation Interim Committee shall ensure that the  
2139 recommendations described in Subsection (6)(a) include an evaluation of:

- 2140 (i) the cost of the tax credit to the state;
- 2141 (ii) the purpose and effectiveness of the tax credit; and
- 2142 (iii) the extent to which the state benefits from the tax credit.

2143 Section 44. Section **59-10-1038** is amended to read:

2144 **59-10-1038. Nonrefundable rural job creation tax credit.**

2145 (1) As used in this section, "office" means the Governor's Office of Economic  
2146 ~~[Development]~~ Opportunity created in Section ~~[63N-1-201]~~ 63N-1a-301.

2147 (2) Subject to the other provisions of this section, a taxpayer may claim a  
2148 nonrefundable tax credit for rural job creation as provided in this section.

2149 (3) The tax credit under this section is the amount listed as the tax credit amount on a  
2150 tax credit certificate that the office issues under Title 63N, Chapter 4, Part 3, Utah Rural Jobs  
2151 Act, to the taxpayer for the taxable year.

2152 (4) A taxpayer may carry forward a tax credit under this section for the next seven  
2153 taxable years if the amount of the tax credit exceeds the taxpayer's tax liability under this  
2154 chapter for the taxable year in which the taxpayer claims the tax credit.

2155 Section 45. Section **59-10-1107** is amended to read:

2156 **59-10-1107. Refundable economic development tax credit.**

2157 (1) As used in this section:

2158 (a) "Business entity" means a claimant, estate, or trust that meets the definition of  
2159 "business entity" as defined in Section 63N-2-103.

2160 ~~[(b) "New incremental jobs" means the same as that term is defined in Section~~  
2161 ~~63N-2-103.]~~

2162 (b) "Incremental job" means the same as that term is defined in Section 63N-1a-102.

2163 (c) "New state ~~[revenues]~~ revenue" means the same as that term is defined in Section  
2164 ~~[63N-2-103]~~ 63N-1a-102.

2165 (d) "Office" means the Governor's Office of Economic [~~Development~~] Opportunity.

2166 (2) Subject to the other provisions of this section, a business entity may claim a  
2167 refundable tax credit for economic development.

2168 (3) The tax credit under this section is the amount listed as the tax credit amount on the  
2169 tax credit certificate that the office issues to the business entity for the taxable year.

2170 (4) (a) In accordance with any rules prescribed by the commission under Subsection  
2171 (4)(b), the commission shall make a refund to a business entity that claims a tax credit under  
2172 this section if the amount of the tax credit exceeds the business entity's tax liability for a  
2173 taxable year.

2174 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
2175 commission may make rules providing procedures for making a refund to a business entity as  
2176 required by Subsection (4)(a).

2177 (5) (a) In accordance with Section [59-10-137](#), the Revenue and Taxation Interim  
2178 Committee shall study the tax credit allowed by this section and make recommendations  
2179 concerning whether the tax credit should be continued, modified, or repealed.

2180 (b) Except as provided in Subsection (5)(c), for purposes of the study required by this  
2181 Subsection (5), the office shall provide the following information, if available to the office, to  
2182 the Revenue and Taxation Interim Committee by electronic means:

2183 (i) the amount of tax credit the office grants to each taxpayer for each calendar year;

2184 (ii) the criteria the office uses in granting a tax credit;

2185 (iii) the new state [~~revenues~~] revenue generated by each taxpayer for each calendar  
2186 year;

2187 (iv) estimates for each of the next three calendar years of the following:

2188 (A) the amount of tax credits that the office will grant;

2189 (B) the amount of new state [~~revenues~~] revenue that will be generated; and

2190 (C) the number of new incremental jobs within the state that will be generated;

2191 (v) the information contained in the office's latest report under Section [63N-2-106](#); and

2192 (vi) any other information that the Revenue and Taxation Interim Committee requests.

2193 (c) (i) In providing the information described in Subsection (5)(b), the office shall  
2194 redact information that identifies a recipient of a tax credit under this section.

2195 (ii) If, notwithstanding the redactions made under Subsection (5)(c)(i), reporting the

2196 information described in Subsection (5)(b) might disclose the identity of a recipient of a tax  
2197 credit, the office may file a request with the Revenue and Taxation Interim Committee to  
2198 provide the information described in Subsection (5)(b) in the aggregate for all taxpayers that  
2199 receive the tax credit under this section.

2200 (d) The Revenue and Taxation Interim Committee shall ensure that the  
2201 recommendations described in Subsection (5)(a) include an evaluation of:

- 2202 (i) the cost of the tax credit to the state;
- 2203 (ii) the purpose and effectiveness of the tax credit; and
- 2204 (iii) the extent to which the state benefits from the tax credit.

2205 Section 46. Section **59-10-1108** is amended to read:

2206 **59-10-1108. Refundable motion picture tax credit.**

2207 (1) As used in this section:

2208 (a) "Motion picture company" means a claimant, estate, or trust that meets the  
2209 definition of a motion picture company under Section [63N-8-102](#).

2210 (b) "Office" means the Governor's Office of Economic [~~Development~~] Opportunity  
2211 created in Section [~~63N-1-201~~] [63N-1a-301](#).

2212 (c) "State-approved production" means the same as that term is defined in Section  
2213 [63N-8-102](#).

2214 (2) For a taxable year beginning on or after January 1, 2009, a motion picture company  
2215 may claim a refundable tax credit for a state-approved production.

2216 (3) The tax credit under this section is the amount listed as the tax credit amount on the  
2217 tax credit certificate that the office issues to a motion picture company under Section  
2218 [63N-8-103](#) for the taxable year.

2219 (4) (a) In accordance with any rules prescribed by the commission under Subsection  
2220 (4)(b), the commission shall make a refund to a motion picture company that claims a tax  
2221 credit under this section if the amount of the tax credit exceeds the motion picture company's  
2222 tax liability for the taxable year.

2223 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
2224 commission may make rules providing procedures for making a refund to a motion picture  
2225 company as required by Subsection (4)(a).

2226 (5) (a) In accordance with Section [59-10-137](#), the Revenue and Taxation Interim

2227 Committee shall study the tax credit allowed by this section and make recommendations  
2228 concerning whether the tax credit should be continued, modified, or repealed.

2229 (b) (i) Except as provided in Subsection (5)(b)(ii), for purposes of the study required by  
2230 this Subsection (5), the office shall provide the following information, if available to the office,  
2231 to the Office of the Legislative Fiscal Analyst by electronic means:

2232 (A) the amount of tax credit the office grants to each taxpayer for each calendar year;

2233 (B) estimates of the amount of tax credit that the office will grant for each of the next  
2234 three calendar years;

2235 (C) the criteria the office uses in granting a tax credit;

2236 (D) the dollars left in the state, as defined in Section 63N-8-102, by each motion  
2237 picture company for each calendar year;

2238 (E) the information contained in the office's latest report under Section 63N-8-105; and

2239 (F) any other information that the Office of the Legislative Fiscal Analyst requests.

2240 (ii) (A) In providing the information described in Subsection (5)(b)(i), the office shall  
2241 redact information that identifies a recipient of a tax credit under this section.

2242 (B) If, notwithstanding the redactions made under Subsection (5)(b)(ii)(A), reporting  
2243 the information described in Subsection (5)(b)(i) might disclose the identity of a recipient of a  
2244 tax credit, the office may file a request with the Revenue and Taxation Interim Committee to  
2245 provide the information described in Subsection (5)(b)(i) in the aggregate for all taxpayers that  
2246 receive the tax credit under this section.

2247 (c) As part of the study required by this Subsection (5), the Office of the Legislative  
2248 Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and  
2249 analysis of the information provided to the Office of the Legislative Fiscal Analyst by the  
2250 office under Subsection (5)(b).

2251 (d) The Revenue and Taxation Interim Committee shall ensure that the  
2252 recommendations described in Subsection (5)(a) include an evaluation of:

2253 (i) the cost of the tax credit to the state;

2254 (ii) the effectiveness of the tax credit; and

2255 (iii) the extent to which the state benefits from the tax credit.

2256 Section 47. Section 59-10-1112 is amended to read:

2257 **59-10-1112. Targeted business income tax credit.**

2258 (1) As used in this section, "business applicant" means the same as that term is defined  
2259 in Section [63N-2-302](#).

2260 (2) A business applicant that is certified and issued a targeted business income tax  
2261 eligibility certificate by the Governor's Office of Economic ~~Development~~ Opportunity under  
2262 Section [63N-2-304](#) may claim a refundable tax credit in the amount specified on the targeted  
2263 business income tax eligibility certificate.

2264 (3) For a taxable year for which a business applicant claims a targeted business income  
2265 tax credit under this section, the business applicant may not claim or carry forward a tax credit  
2266 under Section [59-7-610](#), Section [59-10-1007](#), or Title 63N, Chapter 2, Part 2, Enterprise Zone  
2267 Act.

2268 Section 48. Section [63A-3-111](#) is amended to read:

2269 **[63A-3-111. COVID-19 economic recovery programs reports.](#)**

2270 (1) As used in this section:

2271 (a) "COVID-19 economic recovery programs" means the programs created in:

2272 (i) Title 9, Chapter 6, Part 9, COVID-19 Cultural Assistance Grant Program;

2273 (ii) Subsection [~~63N-12-508~~] [63N-1b-307](#)(3); and

2274 (iii) Title 63N, Chapter 15, COVID-19 Economic Recovery Programs.

2275 (b) "Legislative committee" means:

2276 (i) the president of the Senate;

2277 (ii) the speaker of the House of Representatives;

2278 (iii) the minority leader of the Senate; and

2279 (iv) the minority leader of the House of Representatives.

2280 (2) Upon receiving the reports required by Sections [9-6-903](#), [63N-15-202](#), and  
2281 [63N-15-302](#) and Subsection [~~63N-12-508~~] [63N-1b-307](#)(3), the director, in conjunction with the  
2282 Division of Arts and Museums and the Governor's Office of Economic ~~Development~~  
2283 Opportunity, shall present to the legislative committee the COVID-19 economic recovery  
2284 programs.

2285 (3) The legislative committee may make recommendations for adjustments to the  
2286 COVID-19 economic recovery programs.

2287 Section 49. Section [63B-18-401](#) is amended to read:

2288 **[63B-18-401. Highway bonds -- Maximum amount -- Use of proceeds for highway](#)**

2289 **projects.**

2290 (1) (a) The total amount of bonds issued under this section may not exceed  
2291 \$2,077,000,000.

2292 (b) When the Department of Transportation certifies to the commission that the  
2293 requirements of Subsection 72-2-124(7) have been met and certifies the amount of bond  
2294 proceeds that it needs to provide funding for the projects described in Subsection (2) for the  
2295 next fiscal year, the commission may issue and sell general obligation bonds in an amount  
2296 equal to the certified amount plus costs of issuance.

2297 (2) Except as provided in Subsections (3) and (4), proceeds from the issuance of bonds  
2298 shall be provided to the Department of Transportation to pay all or part of the costs of the  
2299 following state highway construction or reconstruction projects:

2300 (a) Interstate 15 reconstruction in Utah County;

2301 (b) the Mountain View Corridor;

2302 (c) the Southern Parkway; and

2303 (d) state and federal highways prioritized by the Transportation Commission through:

2304 (i) the prioritization process for new transportation capacity projects adopted under  
2305 Section 72-1-304; or

2306 (ii) the state highway construction program.

2307 (3) (a) Except as provided in Subsection (5), the bond proceeds issued under this  
2308 section shall be provided to the Department of Transportation.

2309 (b) The Department of Transportation shall use bond proceeds and the funds provided  
2310 to it under Section 72-2-124 to pay for the costs of right-of-way acquisition, construction,  
2311 reconstruction, renovations, or improvements to the following highways:

2312 (i) \$35 million to add highway capacity on I-15 south of the Spanish Fork Main Street  
2313 interchange to Payson;

2314 (ii) \$28 million for improvements to Riverdale Road in Ogden;

2315 (iii) \$1 million for intersection improvements on S.R. 36 at South Mountain Road;

2316 (iv) \$2 million for capacity enhancements on S.R. 248 between Sidewinder Drive and  
2317 Richardson Flat Road;

2318 (v) \$12 million for Vineyard Connector from 800 North Geneva Road to Lake Shore  
2319 Road;

- 2320 (vi) \$7 million for 2600 South interchange modifications in Woods Cross;
- 2321 (vii) \$9 million for reconfiguring the 1100 South interchange on I-15 in Box Elder
- 2322 County;
- 2323 (viii) \$18 million for the Provo west-side connector;
- 2324 (ix) \$8 million for interchange modifications on I-15 in the Layton area;
- 2325 (x) \$3,000,000 for an energy corridor study and environmental review for
- 2326 improvements in the Uintah Basin;
- 2327 (xi) \$2,000,000 for highway improvements to Harrison Boulevard in Ogden City;
- 2328 (xii) \$2,500,000 to be provided to Tooele City for roads around the Utah State
- 2329 University campus to create improved access to an institution of higher education;
- 2330 (xiii) \$3,000,000 to be provided to the Utah Office of Tourism within the Governor's
- 2331 Office of Economic [~~Development~~] Opportunity for transportation infrastructure improvements
- 2332 associated with annual tourism events that have:
  - 2333 (A) a significant economic development impact within the state; and
  - 2334 (B) significant needs for congestion mitigation;
- 2335 (xiv) \$4,500,000 to be provided to the Governor's Office of Economic [~~Development~~]
- 2336 Opportunity for transportation infrastructure acquisitions and improvements that have a
- 2337 significant economic development impact within the state;
- 2338 (xv) \$125,000,000 to pay all or part of the costs of state and federal highway
- 2339 construction or reconstruction projects prioritized by the Transportation Commission through
- 2340 the prioritization process for new transportation capacity projects adopted under Section
- 2341 [72-1-304](#);
- 2342 (xvi) \$10,000,000 for the Transportation Fund to pay all or part of the costs of state
- 2343 and federal highway construction or reconstruction projects as prioritized by the Transportation
- 2344 Commission;
- 2345 (xvii) \$13,000,000 for corridor preservation and land acquisition for a transit hub at the
- 2346 mouth of Big Cottonwood Canyon;
- 2347 (xviii) \$10,000,000 to be provided to the Governor's Office of Economic
- 2348 [~~Development~~] Opportunity for transportation infrastructure and right-of-way acquisitions in a
- 2349 project area created by the military installation development authority created in Section
- 2350 [63H-1-201](#);

- 2351 (xix) \$28,000,000 for right-of-way or land acquisition, design, engineering, and  
2352 construction of infrastructure related to the Inland Port Authority created in Section 11-58-201;
- 2353 (xx) \$6,000,000 for right-of-way acquisition, design, engineering, and construction  
2354 related to Shepard Lane in Davis County; and
- 2355 (xxi) \$4,000,000 for right-of-way acquisition, design, engineering, and construction  
2356 costs related to 1600 North in Orem City.
- 2357 (4) (a) The Department of Transportation shall use bond proceeds and the funds under  
2358 Section 72-2-121 to pay for, or to provide funds to, a municipality, county, or political  
2359 subdivision to pay for the costs of right-of-way acquisition, construction, reconstruction,  
2360 renovations, or improvements to the following highway or transit projects in Salt Lake County:
- 2361 (i) \$4,000,000 to Taylorsville City for bus rapid transit planning on 4700 South;
- 2362 (ii) \$4,200,000 to Taylorsville City for highway improvements on or surrounding 6200  
2363 South and pedestrian crossings and system connections;
- 2364 (iii) \$2,250,000 to Herriman City for highway improvements to the Salt Lake  
2365 Community College Road;
- 2366 (iv) \$5,300,000 to West Jordan City for highway improvements on 5600 West from  
2367 6200 South to 8600 South;
- 2368 (v) \$4,000,000 to West Jordan City for highway improvements to 7800 South from  
2369 1300 West to S.R. 111;
- 2370 (vi) \$7,300,000 to Sandy City for highway improvements on Monroe Street;
- 2371 (vii) \$3,000,000 to Draper City for highway improvements to 13490 South from 200  
2372 West to 700 West;
- 2373 (viii) \$5,000,000 to Draper City for highway improvements to Suncrest Road;
- 2374 (ix) \$1,200,000 to Murray City for highway improvements to 5900 South from State  
2375 Street to 900 East;
- 2376 (x) \$1,800,000 to Murray City for highway improvements to 1300 East;
- 2377 (xi) \$3,000,000 to South Salt Lake City for intersection improvements on West  
2378 Temple, Main Street, and State Street;
- 2379 (xii) \$2,000,000 to Salt Lake County for highway improvements to 5400 South from  
2380 5600 West to Mountain View Corridor;
- 2381 (xiii) \$3,000,000 to West Valley City for highway improvements to 6400 West from

2382 Parkway Boulevard to SR-201 Frontage Road;

2383           (xiv) \$4,300,000 to West Valley City for highway improvements to 2400 South from

2384 4800 West to 7200 West and pedestrian crossings;

2385           (xv) \$4,000,000 to Salt Lake City for highway improvements to 700 South from 2800

2386 West to 5600 West;

2387           (xvi) \$2,750,000 to Riverton City for highway improvements to 4570 West from

2388 12600 South to Riverton Boulevard;

2389           (xvii) \$1,950,000 to Cottonwood Heights for improvements to Union Park Avenue

2390 from I-215 exit south to Creek Road and Wasatch Boulevard and Big Cottonwood Canyon;

2391           (xviii) \$1,300,000 to Cottonwood Heights for highway improvements to Bengal

2392 Boulevard;

2393           (xix) \$1,500,000 to Midvale City for highway improvements to 7200 South from I-15

2394 to 1000 West;

2395           (xx) \$1,000,000 to Bluffdale City for an environmental impact study on Porter

2396 Rockwell Boulevard;

2397           (xxi) \$2,900,000 to the Utah Transit Authority for the following public transit studies:

2398           (A) a circulator study; and

2399           (B) a mountain transport study; and

2400           (xxii) \$1,000,000 to South Jordan City for highway improvements to 2700 West.

2401           (b) (i) Before providing funds to a municipality or county under this Subsection (4), the

2402 Department of Transportation shall obtain from the municipality or county:

2403           (A) a written certification signed by the county or city mayor or the mayor's designee

2404 certifying that the municipality or county will use the funds provided under this Subsection (4)

2405 solely for the projects described in Subsection (4)(a); and

2406           (B) other documents necessary to protect the state and the bondholders and to ensure

2407 that all legal requirements are met.

2408           (ii) Except as provided in Subsection (4)(c), by January 1 of each year, the municipality

2409 or county receiving funds described in this Subsection (4) shall submit to the Department of

2410 Transportation a statement of cash flow for the next fiscal year detailing the funds necessary to

2411 pay project costs for the projects described in Subsection (4)(a).

2412           (iii) After receiving the statement required under Subsection (4)(b)(ii) and after July 1,

2413 the Department of Transportation shall provide funds to the municipality or county necessary to  
2414 pay project costs for the next fiscal year based upon the statement of cash flow submitted by  
2415 the municipality or county.

2416 (iv) Upon the financial close of each project described in Subsection (4)(a), the  
2417 municipality or county receiving funds under this Subsection (4) shall submit a statement to the  
2418 Department of Transportation detailing the expenditure of funds received for each project.

2419 (c) For calendar year 2012 only:

2420 (i) the municipality or county shall submit to the Department of Transportation a  
2421 statement of cash flow as provided in Subsection (4)(b)(ii) as soon as possible; and

2422 (ii) the Department of Transportation shall provide funds to the municipality or county  
2423 necessary to pay project costs based upon the statement of cash flow.

2424 (5) Twenty million dollars of the bond proceeds issued under this section and funds  
2425 available under Section 72-2-124 shall be provided to the State Infrastructure Bank Fund  
2426 created by Section 72-2-202 to make funds available for transportation infrastructure loans and  
2427 transportation infrastructure assistance under Title 72, Chapter 2, Part 2, State Infrastructure  
2428 Bank Fund.

2429 (6) The costs under Subsections (2), (3), and (4) may include the costs of studies  
2430 necessary to make transportation infrastructure improvements, the cost of acquiring land,  
2431 interests in land, easements and rights-of-way, improving sites, and making all improvements  
2432 necessary, incidental, or convenient to the facilities, interest estimated to accrue on these bonds  
2433 during the period to be covered by construction of the projects plus a period of six months after  
2434 the end of the construction period, interest estimated to accrue on any bond anticipation notes  
2435 issued under the authority of this title, and all related engineering, architectural, and legal fees.

2436 (7) The commission or the state treasurer may make any statement of intent relating to  
2437 a reimbursement that is necessary or desirable to comply with federal tax law.

2438 (8) The Department of Transportation may enter into agreements related to the projects  
2439 described in Subsections (2), (3), and (4) before the receipt of proceeds of bonds issued under  
2440 this section.

2441 (9) The Department of Transportation may enter into a new or amend an existing  
2442 interlocal agreement related to the projects described in Subsections (3) and (4) to establish any  
2443 necessary covenants or requirements not otherwise provided for by law.

2444 Section 50. Section **63B-24-201** is amended to read:

2445 **63B-24-201. Authorizations to design and construct capital facilities using**  
2446 **institutional or agency funds.**

2447 (1) The Legislature intends that:

2448 (a) the University of Utah may, subject to the requirements of Title 63A, Chapter 5b,  
2449 Administration of State Facilities, use up to \$8,200,000 in institutional funds to plan, design,  
2450 and construct the William C. Browning Building Addition with up to 24,000 square feet;

2451 (b) the university may not use state funds for any portion of this project; and

2452 (c) the university may use state funds for operation and maintenance costs or capital  
2453 improvements.

2454 (2) The Legislature intends that:

2455 (a) Utah State University may, subject to the requirements of Title 63A, Chapter 5b,  
2456 Administration of State Facilities, use up to \$10,000,000 in institutional funds to plan, design,  
2457 and construct the Fine Arts Complex Addition/Renovation with up to 17,000 square feet;

2458 (b) the university may not use state funds for any portion of this project; and

2459 (c) the university may use state funds for operation and maintenance costs or capital  
2460 improvements.

2461 (3) The Legislature intends that:

2462 (a) Salt Lake Community College may, subject to the requirements of Title 63A,  
2463 Chapter 5b, Administration of State Facilities, use up to \$3,900,000 in institutional funds to  
2464 plan, design, and construct a Strength and Conditioning Center with up to 11,575 square feet;

2465 (b) the college may not use state funds for any portion of this project; and

2466 (c) the college may not request state funds for operation and maintenance costs or  
2467 capital improvements.

2468 (4) The Legislature intends that:

2469 (a) the Governor's Office of Economic [~~Development~~] Opportunity may, subject to the  
2470 requirements of Title 63A, Chapter 5b, Administration of State Facilities, use up to \$1,800,000  
2471 in nonlapsing balances and donations to plan, design, and construct or lease a Southern Utah  
2472 Welcome Center with up to 5,000 square feet;

2473 (b) the office may request additional state funds for the project, unless the office  
2474 receives donations and begins design or construction of the project; and

2475 (c) the office may use state funds for operation and maintenance costs or capital  
2476 improvements.

2477 Section 51. Section **63C-17-103** is amended to read:

2478 **63C-17-103. Creation of Point of the Mountain Development Commission --**  
2479 **Members.**

2480 (1) There is created the Point of the Mountain Development Commission consisting of  
2481 the following 15 members:

2482 (a) two members shall be members of the Senate appointed by the president of the  
2483 Senate;

2484 (b) two members shall be members of the House of Representatives appointed by the  
2485 speaker of the House of Representatives;

2486 (c) one member shall be the mayor of Lehi City, Utah, or the mayor's designee;

2487 (d) one member shall be the mayor of Draper City, Utah, or the mayor's designee;

2488 (e) one member shall be the mayor of Salt Lake County, or the mayor's designee;

2489 (f) one member shall be an appointee of the Utah County Commission;

2490 (g) two members shall be mayors of communities in or close to the project area who  
2491 shall be appointed by the Utah League of Cities and Towns;

2492 (h) one member shall be an appointee of the Economic Development Corporation of  
2493 Utah;

2494 (i) one member, who is a member of the Board of the Governor's Office of Economic  
2495 [~~Development~~] Opportunity, shall be appointed by the governor;

2496 (j) one member, who is an employee of the Governor's Office of Economic  
2497 [~~Development~~] Opportunity, shall be an appointee of the governor;

2498 (k) one member shall be a member of the public, representing the school boards in or  
2499 close to the project area, jointly appointed by the president of the Senate and the speaker of the  
2500 House of Representatives; and

2501 (l) one member shall be a member of the public, representing the information  
2502 technology sector with a physical presence within the project area, jointly appointed by the  
2503 president of the Senate and the speaker of the House of Representatives.

2504 (2) (a) The president of the Senate and the speaker of the House of Representatives  
2505 shall jointly designate a member of the Legislature appointed under Subsection (1)(a) or (b) as

2506 a cochair of the commission.

2507 (b) The governor shall designate a representative from the Governor's Office of  
2508 Economic [~~Development~~] Opportunity appointed under Subsection (1)(i) or (j) as a cochair of  
2509 the commission.

2510 (3) Any vacancy shall be filled in the same manner under this section as the  
2511 appointment of the member whose vacancy is being filled.

2512 (4) Each member of the commission shall serve until a successor is appointed and  
2513 qualified.

2514 (5) A majority of members constitutes a quorum. The action of a majority of a quorum  
2515 constitutes the action of the commission.

2516 Section 52. Section **63C-17-105** is amended to read:

2517 **63C-17-105. Commission staff and expenses.**

2518 The Office of Legislative Research and General Counsel, in coordination with the  
2519 Governor's Office of Economic [~~Development~~] Opportunity, shall provide staff support for the  
2520 commission.

2521 Section 53. Section **63G-21-102** is amended to read:

2522 **63G-21-102. Definitions.**

2523 As used in this chapter:

2524 (1) "Designated agency" means:

2525 (a) the Governor's Office of Economic [~~Development~~] Opportunity;

2526 (b) the Division of Wildlife Resources;

2527 (c) the Department of Public Safety;

2528 (d) the Department of Technology Services; or

2529 (e) the Department of Workforce Services.

2530 (2) (a) "State service" means a service or benefit regularly provided to the public by a  
2531 designated agency.

2532 (b) "State service" includes:

2533 (i) for the Governor's Office of Economic [~~Development~~] Opportunity or the

2534 Department of Technology Services, public high-speed Internet access;

2535 (ii) for the Division of Wildlife Resources, fishing, hunting, and trapping licenses;

2536 (iii) for the Department of Public Safety, fingerprinting, an online driver license

2537 renewal, online appointment scheduling, an online motor vehicle record request, and an online  
2538 change of address with the Driver License Division; and

2539 (iv) for the Department of Workforce Services, online job searches, verification of  
2540 submission for benefits administered by the Department of Workforce Services, online  
2541 unemployment applications, online food stamp applications, and online appointment  
2542 scheduling.

2543 (3) "USPS" means the United States Postal Service.

2544 Section 54. Section **63G-21-201** is amended to read:

2545 **63G-21-201. Limited authorization to provide state services at post office**  
2546 **locations.**

2547 (1) If allowed by federal law, a designated agency may negotiate and enter into an  
2548 agreement with USPS that allows USPS to provide one or more state services at one or more  
2549 post office locations within the state.

2550 (2) The designated agency shall ensure that the agreement described in Subsection (1)  
2551 includes:

2552 (a) the term of the agreement, which may not extend beyond July 1, 2025;

2553 (b) provisions to ensure the security of state data and resources;

2554 (c) provisions to provide training to USPS employees on how to provide each state  
2555 service in the agreement;

2556 (d) except as provided in Subsection (2)(e), provisions authorizing compensation to  
2557 USPS for at least 100% of attributable costs of all property and services that USPS provides  
2558 under the agreement; and

2559 (e) if the agreement is between USPS and the Division of Wildlife Resources to sell  
2560 fishing, hunting, or trapping licenses, provisions requiring compliance with Section [23-19-15](#)  
2561 regarding wildlife license agents, including remuneration for services rendered.

2562 (3) After one or more designated agencies enter into an agreement described in  
2563 Subsection (1), the Governor's Office of Economic [~~Development~~] Opportunity shall create a  
2564 marketing campaign to advertise and promote the availability of state services at each selected  
2565 USPS location.

2566 Section 55. Section **63H-1-801** is amended to read:

2567 **63H-1-801. Dissolution of authority -- Restrictions -- Filing copy of ordinance --**

2568 **Authority records -- Dissolution expenses.**

2569 (1) The authority may not be dissolved unless the authority has no outstanding bonded  
2570 indebtedness, other unpaid loans, indebtedness, or advances, and no legally binding contractual  
2571 obligations with persons or entities other than the state.

2572 (2) Upon the dissolution of the authority:

2573 (a) the Governor's Office of Economic [~~Development~~] Opportunity shall publish a  
2574 notice of dissolution:

2575 (i) in a newspaper of general circulation in the county in which the dissolved authority  
2576 is located; and

2577 (ii) as required in Section 45-1-101; and

2578 (b) all title to property owned by the authority vests in the state.

2579 (3) The books, documents, records, papers, and seal of each dissolved authority shall  
2580 be deposited for safekeeping and reference with the state auditor.

2581 (4) The authority shall pay all expenses of the deactivation and dissolution.

2582 Section 56. Section **63H-2-204** is amended to read:

2583 **63H-2-204. Dissolution of authority.**

2584 (1) Subject to the other provisions of this section, the board may dissolve the authority:

2585 (a) if the board determines that the authority can no longer comply with the  
2586 requirements of this chapter; and

2587 (b) by a vote of at least five members of the board.

2588 (2) The authority may not be dissolved if the authority has any of the following:

2589 (a) an outstanding bonded indebtedness;

2590 (b) an unpaid loan, indebtedness, or advance; or

2591 (c) a legally binding contractual obligation with a person other than the state.

2592 (3) Upon the dissolution of the authority:

2593 (a) the Governor's Office of Economic [~~Development~~] Opportunity shall publish a  
2594 notice of dissolution:

2595 (i) in a newspaper of general circulation in each county in which a qualifying energy  
2596 delivery project is located; and

2597 (ii) electronically, in accordance with Section 45-1-101;

2598 (b) the authority shall deposit its records with the state auditor, to be retained for the

2599 time period determined by the state auditor; and

2600 (c) the assets of the authority shall revert to the state.

2601 (4) The authority shall pay the expenses of dissolution and winding up the affairs of the  
2602 authority.

2603 (5) If a dissolution under this section is part of a privatization of the authority, the  
2604 dissolution is subject to Title 63E, Chapter 1, Part 4, Privatization of Independent Entities.

2605 Section 57. Section **63I-1-235** is amended to read:

2606 **63I-1-235. Repeal dates, Title 35A.**

2607 [~~(1)~~] Subsection ~~35A-1-109~~(4)(c), related to the Talent Ready Utah Board, is repealed  
2608 January 1, 2023.]

2609 [~~(2)~~] (1) Subsection ~~35A-1-202~~(2)(d), related to the Child Care Advisory Committee, is  
2610 repealed July 1, 2021.

2611 [~~(3)~~] (2) Section ~~35A-3-205~~, which creates the Child Care Advisory Committee, is  
2612 repealed July 1, 2021.

2613 [~~(4)~~] (3) Subsection ~~35A-4-312~~(5)(p), describing information that may be disclosed to  
2614 the federal Wage and Hour Division, is repealed July 1, 2022.

2615 [~~(5)~~] (4) Subsection ~~35A-4-502~~(5), which creates the Employment Advisory Council,  
2616 is repealed July 1, 2022.

2617 [~~(6)~~] (5) Title 35A, Chapter 8, Part 22, Commission on Housing Affordability, is  
2618 repealed July 1, 2023.

2619 [~~(7)~~] (6) Section ~~35A-9-501~~ is repealed January 1, 2023.

2620 [~~(8)~~] (7) Title 35A, Chapter 11, Women in the Economy Commission Act, is repealed  
2621 January 1, 2025.

2622 [~~(9)~~] (8) Sections ~~35A-13-301~~ and ~~35A-13-302~~, which create the Governor's  
2623 Committee on Employment of People with Disabilities, are repealed July 1, 2023.

2624 [~~(10)~~] (9) Section ~~35A-13-303~~, which creates the State Rehabilitation Advisory  
2625 Council, is repealed July 1, 2024.

2626 [~~(11)~~] (10) Section ~~35A-13-404~~, which creates the advisory council for the Division of  
2627 Services for the Blind and Visually Impaired, is repealed July 1, 2025.

2628 [~~(12)~~] (11) Sections ~~35A-13-603~~ and ~~35A-13-604~~, which create the Interpreter  
2629 Certification Board, are repealed July 1, 2026.

- 2630 Section 58. Section **63I-1-263** is amended to read:
- 2631 **63I-1-263. Repeal dates, Titles 63A to 63N.**
- 2632 (1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:
- 2633 (a) Subsection **63A-1-201**(1) is repealed;
- 2634 (b) Subsection **63A-1-202**(2)(c), the language "using criteria established by the board"  
2635 is repealed;
- 2636 (c) Section **63A-1-203** is repealed;
- 2637 (d) Subsections **63A-1-204**(1) and (2), the language "After consultation with the board,  
2638 and" is repealed; and
- 2639 (e) Subsection **63A-1-204**(1)(b), the language "using the standards provided in  
2640 Subsection **63A-1-203**(3)(c)" is repealed.
- 2641 (2) Subsection **63A-5b-405**(5), relating to prioritizing and allocating capital  
2642 improvement funding, is repealed July 1, 2024.
- 2643 (3) Section **63A-5b-1003**, State Facility Energy Efficiency Fund, is repealed July 1,  
2644 2023.
- 2645 (4) Sections **63A-9-301** and **63A-9-302**, related to the Motor Vehicle Review  
2646 Committee, are repealed July 1, 2023.
- 2647 (5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July  
2648 1, 2028.
- 2649 (6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,  
2650 2025.
- 2651 (7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,  
2652 2024.
- 2653 (8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is  
2654 repealed July 1, 2021.
- 2655 (9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed  
2656 July 1, 2023.
- 2657 (10) Title 63C, Chapter 21, Outdoor Adventure Commission, is repealed July 1, 2025.
- 2658 (11) Title 63F, Chapter 2, Data Security Management Council, is repealed July 1,  
2659 2025.
- 2660 (12) Section **63G-6a-805**, which creates the Purchasing from Persons with Disabilities

- 2661 Advisory Board, is repealed July 1, 2026.
- 2662 (13) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,  
2663 2025.
- 2664 (14) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,  
2665 2024.
- 2666 (15) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.
- 2667 (16) Subsection 63J-1-602.1(14), Nurse Home Visiting Restricted Account is repealed  
2668 July 1, 2026.
- 2669 (17) (a) Subsection 63J-1-602.1(58), relating to the Utah Statewide Radio System  
2670 Restricted Account, is repealed July 1, 2022.
- 2671 (b) When repealing Subsection 63J-1-602.1(58), the Office of Legislative Research and  
2672 General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make  
2673 necessary changes to subsection numbering and cross references.
- 2674 (18) Subsection 63J-1-602.2(4), referring to dedicated credits to the Utah Marriage  
2675 Commission, is repealed July 1, 2023.
- 2676 (19) Subsection 63J-1-602.2(5), referring to the Trip Reduction Program, is repealed  
2677 July 1, 2022.
- 2678 (20) Subsection 63J-1-602.2(25), related to the Utah Seismic Safety Commission, is  
2679 repealed January 1, 2025.
- 2680 (21) Title 63J, Chapter 4, Part 5, Resource Development Coordinating Committee, is  
2681 repealed July 1, 2027.
- 2682 (22) Subsection 63J-4-608(3), which creates the Federal Land Application Advisory  
2683 Committee, is repealed on July 1, 2021.
- 2684 (23) In relation to the Utah Substance Use and Mental Health Advisory Council, on  
2685 January 1, 2023:
- 2686 (a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are  
2687 repealed;
- 2688 (b) Section 63M-7-305, the language that states "council" is replaced with  
2689 "commission";
- 2690 (c) Subsection 63M-7-305(1) is repealed and replaced with:  
2691 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

2692 (d) Subsection [63M-7-305](#)(2) is repealed and replaced with:  
2693 "(2) The commission shall:  
2694 (a) provide ongoing oversight of the implementation, functions, and evaluation of the  
2695 Drug-Related Offenses Reform Act; and  
2696 (b) coordinate the implementation of Section [77-18-1.1](#) and related provisions in  
2697 Subsections [77-18-1](#)(5)(b)(iii) and (iv).".  
2698 (24) The Crime Victim Reparations and Assistance Board, created in Section  
2699 [63M-7-504](#), is repealed July 1, 2027.  
2700 (25) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed July  
2701 1, 2022.  
2702 (26) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2021.  
2703 [~~(27) Subsection [63N-1-301](#)(4)(c), related to the Talent Ready Utah Board, is repealed~~  
2704 ~~January 1, 2023.~~]  
2705 [~~(28)~~ (27) Title 63N, Chapter 1, Part 5, Governor's Economic Development  
2706 Coordinating Council, is repealed July 1, 2024.  
2707 [~~(29)~~ (28) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.  
2708 [~~(30)~~ (29) Section [63N-2-512](#) is repealed July 1, 2021.  
2709 [~~(31)~~ (30) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed  
2710 January 1, 2021.  
2711 (b) Section [59-9-107](#) regarding tax credits against premium taxes is repealed for  
2712 calendar years beginning on or after January 1, 2021.  
2713 (c) Notwithstanding Subsection [~~(31)~~ (30)(b), an entity may carry forward a tax credit  
2714 in accordance with Section [59-9-107](#) if:  
2715 (i) the person is entitled to a tax credit under Section [59-9-107](#) on or before December  
2716 31, 2020; and  
2717 (ii) the qualified equity investment that is the basis of the tax credit is certified under  
2718 Section [63N-2-603](#) on or before December 31, 2023.  
2719 [~~(32) Subsections [63N-3-109](#)(2)(e) and [63N-3-109](#)(2)(f)(i) are repealed July 1, 2023.~~]  
2720 [~~(33)~~ (31) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is  
2721 repealed July 1, 2023.  
2722 [~~(34)~~ (32) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed

- 2723 July 1, 2025.
- 2724 [~~(35)~~] (33) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant  
 2725 Program, is repealed January 1, [~~2023~~] 2028.
- 2726 [~~(36) Title 63N, Chapter 12, Part 5, Talent Ready Utah Center, is repealed January 1,~~  
 2727 ~~2023.~~]
- 2728 Section 59. Section **63I-2-263** is amended to read:
- 2729 **63I-2-263. Repeal dates, Title 63A to Title 63N.**
- 2730 (1) On July 1, 2020:
- 2731 (a) Subsection **63A-1-203(5)(a)(i)** is repealed; and
- 2732 (b) in Subsection **63A-1-203(5)(a)(ii)**, the language that states "appointed on or after  
 2733 May 8, 2018," is repealed.
- 2734 (2) Section **63A-3-111** is repealed June 30, 2021.
- 2735 (3) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is  
 2736 repealed July 1, 2021.
- 2737 (4) Title 63C, Chapter 22, Digital Wellness, Citizenship, and Safe Technology  
 2738 Commission is repealed July 1, 2023.
- 2739 (5) The following sections regarding the World War II Memorial Commission are  
 2740 repealed on July 1, 2022:
- 2741 (a) Section **63G-1-801**;
- 2742 (b) Section **63G-1-802**;
- 2743 (c) Section **63G-1-803**; and
- 2744 (d) Section **63G-1-804**.
- 2745 (6) Subsections **63G-6a-802(1)(d)** and **63G-6a-802(3)(b)(iii)**, regarding a procurement  
 2746 relating to a vice presidential debate, are repealed January 1, 2021.
- 2747 (7) In relation to the State Fair Park Committee, on January 1, 2021:
- 2748 (a) Section **63H-6-104.5** is repealed; and
- 2749 (b) Subsections **63H-6-104(8)** and **(9)** are repealed.
- 2750 (8) Section **63H-7a-303** is repealed July 1, 2024.
- 2751 (9) Subsection **63J-1-206(3)(c)**, relating to coronavirus, is repealed July 1, 2021.
- 2752 (10) In relation to the Employability to Careers Program Board, on July 1, 2022:
- 2753 (a) Subsection **63J-1-602.1(57)** is repealed;

2754 (b) Subsection [63J-4-301\(1\)\(h\)](#), related to the review of data and metrics, is repealed;  
2755 and

2756 (c) Title 63J, Chapter 4, Part 7, Employability to Careers Program, is repealed.

2757 (11) Title 63M, Chapter 4, Part 8, Voluntary Home Energy Information Pilot Program  
2758 Act, is repealed January 1, 2022.

2759 (12) Sections [63M-7-213](#) and [63M-7-213.5](#) are repealed on January 1, 2023.

2760 (13) Subsection [~~[63N-12-508\(3\)](#)~~] [63N-1b-307\(3\)](#), which allows the Governor's Office  
2761 of Economic Opportunity to respond to the COVID-19 pandemic by directing financial grants  
2762 to institutions of higher education, is repealed December 31, 2021.

2763 (14) Title 63N, Chapter 13, Part 3, Facilitating Public-Private Partnerships Act, is  
2764 repealed January 1, 2024.

2765 (15) Title 63N, Chapter 15, COVID-19 Economic Recovery Programs, is repealed  
2766 December 31, 2021.

2767 Section 60. Section **63J-1-602.1** is amended to read:

2768 **63J-1-602.1. List of nonlapsing appropriations from accounts and funds.**

2769 Appropriations made from the following accounts or funds are nonlapsing:

2770 (1) The Utah Intracurricular Student Organization Support for Agricultural Education  
2771 and Leadership Restricted Account created in Section [4-42-102](#).

2772 (2) The Native American Repatriation Restricted Account created in Section [9-9-407](#).

2773 (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in  
2774 Section [9-18-102](#).

2775 (4) The National Professional Men's Soccer Team Support of Building Communities  
2776 Restricted Account created in Section [9-19-102](#).

2777 (5) Funds collected for directing and administering the C-PACE district created in  
2778 Section [11-42a-106](#).

2779 (6) Money received by the Utah Inland Port Authority, as provided in Section  
2780 [11-58-105](#).

2781 (7) The "Latino Community Support Restricted Account" created in Section [13-1-16](#).

2782 (8) The Clean Air Support Restricted Account created in Section [19-1-109](#).

2783 (9) The "Support for State-Owned Shooting Ranges Restricted Account" created in  
2784 Section [23-14-13.5](#).

- 2785 (10) Award money under the State Asset Forfeiture Grant Program, as provided under  
2786 Section [24-4-117](#).
- 2787 (11) Funds collected from the program fund for local health department expenses  
2788 incurred in responding to a local health emergency under Section [26-1-38](#).
- 2789 (12) The Children with Cancer Support Restricted Account created in Section  
2790 [26-21a-304](#).
- 2791 (13) State funds for matching federal funds in the Children's Health Insurance Program  
2792 as provided in Section [26-40-108](#).
- 2793 (14) The Children with Heart Disease Support Restricted Account created in Section  
2794 [26-58-102](#).
- 2795 (15) The Nurse Home Visiting Restricted Account created in Section [26-63-601](#).
- 2796 (16) The Technology Development Restricted Account created in Section [31A-3-104](#).
- 2797 (17) The Criminal Background Check Restricted Account created in Section  
2798 [31A-3-105](#).
- 2799 (18) The Captive Insurance Restricted Account created in Section [31A-3-304](#), except  
2800 to the extent that Section [31A-3-304](#) makes the money received under that section free revenue.
- 2801 (19) The Title Licensee Enforcement Restricted Account created in Section  
2802 [31A-23a-415](#).
- 2803 (20) The Health Insurance Actuarial Review Restricted Account created in Section  
2804 [31A-30-115](#).
- 2805 (21) The Insurance Fraud Investigation Restricted Account created in Section  
2806 [31A-31-108](#).
- 2807 (22) The Underage Drinking Prevention Media and Education Campaign Restricted  
2808 Account created in Section [32B-2-306](#).
- 2809 (23) The School Readiness Restricted Account created in Section [35A-15-203](#).
- 2810 (24) Money received by the Utah State Office of Rehabilitation for the sale of certain  
2811 products or services, as provided in Section [35A-13-202](#).
- 2812 (25) The Oil and Gas Administrative Penalties Account created in Section [40-6-11](#).
- 2813 (26) The Oil and Gas Conservation Account created in Section [40-6-14.5](#).
- 2814 (27) The Electronic Payment Fee Restricted Account created by Section [41-1a-121](#) to  
2815 the Motor Vehicle Division.

2816 (28) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account  
2817 created by Section [41-3-110](#) to the State Tax Commission.

2818 (29) The Utah Law Enforcement Memorial Support Restricted Account created in  
2819 Section [53-1-120](#).

2820 (30) The State Disaster Recovery Restricted Account to the Division of Emergency  
2821 Management, as provided in Section [53-2a-603](#).

2822 (31) The Department of Public Safety Restricted Account to the Department of Public  
2823 Safety, as provided in Section [53-3-106](#).

2824 (32) The Utah Highway Patrol Aero Bureau Restricted Account created in Section  
2825 [53-8-303](#).

2826 (33) The DNA Specimen Restricted Account created in Section [53-10-407](#).

2827 (34) The Canine Body Armor Restricted Account created in Section [53-16-201](#).

2828 (35) The Technical Colleges Capital Projects Fund created in Section [53B-2a-118](#).

2829 (36) The Higher Education Capital Projects Fund created in Section [53B-22-202](#).

2830 (37) A certain portion of money collected for administrative costs under the School  
2831 Institutional Trust Lands Management Act, as provided under Section [53C-3-202](#).

2832 (38) The Public Utility Regulatory Restricted Account created in Section [54-5-1.5](#),  
2833 subject to Subsection [54-5-1.5\(4\)\(d\)](#).

2834 (39) Funds collected from a surcharge fee to provide certain licensees with access to an  
2835 electronic reference library, as provided in Section [58-3a-105](#).

2836 (40) Certain fines collected by the Division of Occupational and Professional Licensing  
2837 for violation of unlawful or unprofessional conduct that are used for education and enforcement  
2838 purposes, as provided in Section [58-17b-505](#).

2839 (41) Funds collected from a surcharge fee to provide certain licensees with access to an  
2840 electronic reference library, as provided in Section [58-22-104](#).

2841 (42) Funds collected from a surcharge fee to provide certain licensees with access to an  
2842 electronic reference library, as provided in Section [58-55-106](#).

2843 (43) Funds collected from a surcharge fee to provide certain licensees with access to an  
2844 electronic reference library, as provided in Section [58-56-3.5](#).

2845 (44) Certain fines collected by the Division of Occupational and Professional Licensing  
2846 for use in education and enforcement of the Security Personnel Licensing Act, as provided in

- 2847 Section [58-63-103](#).
- 2848 (45) The Relative Value Study Restricted Account created in Section [59-9-105](#).
- 2849 (46) The Cigarette Tax Restricted Account created in Section [59-14-204](#).
- 2850 (47) Funds paid to the Division of Real Estate for the cost of a criminal background  
2851 check for a mortgage loan license, as provided in Section [61-2c-202](#).
- 2852 (48) Funds paid to the Division of Real Estate for the cost of a criminal background  
2853 check for principal broker, associate broker, and sales agent licenses, as provided in Section  
2854 [61-2f-204](#).
- 2855 (49) Certain funds donated to the Department of Human Services, as provided in  
2856 Section [62A-1-111](#).
- 2857 (50) The National Professional Men's Basketball Team Support of Women and  
2858 Children Issues Restricted Account created in Section [62A-1-202](#).
- 2859 (51) Certain funds donated to the Division of Child and Family Services, as provided  
2860 in Section [62A-4a-110](#).
- 2861 (52) The Choose Life Adoption Support Restricted Account created in Section  
2862 [62A-4a-608](#).
- 2863 (53) Funds collected by the Office of Administrative Rules for publishing, as provided  
2864 in Section [63G-3-402](#).
- 2865 (54) The Immigration Act Restricted Account created in Section [63G-12-103](#).
- 2866 (55) Money received by the military installation development authority, as provided in  
2867 Section [63H-1-504](#).
- 2868 (56) The Computer Aided Dispatch Restricted Account created in Section [63H-7a-303](#).
- 2869 (57) The Unified Statewide 911 Emergency Service Account created in Section  
2870 [63H-7a-304](#).
- 2871 (58) The Utah Statewide Radio System Restricted Account created in Section  
2872 [63H-7a-403](#).
- 2873 (59) The Employability to Careers Program Restricted Account created in Section  
2874 [63J-4-703](#).
- 2875 (60) The Motion Picture Incentive Account created in Section [63N-8-103](#).
- 2876 (61) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission,  
2877 as provided under Section [63N-10-301](#).

2878 (62) Funds collected by the housing of state probationary inmates or state parole  
2879 inmates, as provided in Subsection 64-13e-104(2).

2880 (63) Certain forestry and fire control funds utilized by the Division of Forestry, Fire,  
2881 and State Lands, as provided in Section 65A-8-103.

2882 (64) The Transportation of Veterans to Memorials Support Restricted Account created  
2883 in Section 71-14-102.

2884 (65) The Amusement Ride Safety Restricted Account, as provided in Section  
2885 72-16-204.

2886 (66) Certain funds received by the Office of the State Engineer for well drilling fines or  
2887 bonds, as provided in Section 73-3-25.

2888 (67) The Water Resources Conservation and Development Fund, as provided in  
2889 Section 73-23-2.

2890 (68) Funds donated or paid to a juvenile court by private sources, as provided in  
2891 Subsection 78A-6-203(1)(c).

2892 (69) Fees for certificate of admission created under Section 78A-9-102.

2893 (70) Funds collected for adoption document access as provided in Sections 78B-6-141,  
2894 78B-6-144, and 78B-6-144.5.

2895 (71) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4,  
2896 Utah Indigent Defense Commission.

2897 (72) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State  
2898 Park, Jordan River State Park, and Green River State Park, as provided under Section  
2899 79-4-403.

2900 (73) Certain funds received by the Division of Parks and Recreation from the sale or  
2901 disposal of buffalo, as provided under Section 79-4-1001.

2902 (74) The Drinking While Pregnant Prevention Media and Education Campaign  
2903 Restricted Account created in Section 32B-2-308.

2904 Section 61. Section 63J-4-301 is amended to read:

2905 **63J-4-301. Duties of the executive director and office.**

2906 (1) The executive director and the office shall:

2907 (a) comply with the procedures and requirements of Title 63J, Chapter 1, Budgetary  
2908 Procedures Act;

2909 (b) under the direct supervision of the governor, assist the governor in the preparation  
2910 of the governor's budget recommendations;

2911 (c) review agency budget execution plans as specified in Section [63J-1-209](#);

2912 (d) establish benchmarking practices for measuring operational costs, quality of  
2913 service, and effectiveness across all state agencies and programs;

2914 (e) assist agencies with the development of an operational plan that uses continuous  
2915 improvement tools and operational metrics to increase statewide capacity and improve  
2916 interagency integration;

2917 (f) review and assess agency budget requests and expenditures using a clear set of goals  
2918 and measures;

2919 (g) develop and maintain enterprise portfolio and electronic information systems to  
2920 select and oversee the execution of projects, ensure a return on investment, and trace and report  
2921 performance metrics;

2922 (h) coordinate with the executive directors of the Department of Workforce Services  
2923 and the Governor's Office of Economic ~~Development~~ Opportunity to review data and metrics  
2924 to be reported to the Legislature as described in Subsection [63J-4-708\(2\)\(d\)](#); and

2925 (i) perform other duties and responsibilities as assigned by the governor.

2926 (2) (a) The executive director of the Governor's Office of Management and Budget or  
2927 the executive director's designee is the Federal Assistance Management Officer.

2928 (b) In acting as the Federal Assistance Management Officer, the executive director or  
2929 designee shall:

2930 (i) study the administration and effect of federal assistance programs in the state and  
2931 advise the governor and the Legislature, through the Office of Legislative Fiscal Analyst and  
2932 the Executive Appropriations Committee, of alternative recommended methods and procedures  
2933 for the administration of these programs;

2934 (ii) assist in the coordination of federal assistance programs that involve or are  
2935 administered by more than one state agency; and

2936 (iii) analyze and advise on applications for new federal assistance programs submitted  
2937 to the governor for approval as required by Chapter 5, Federal Funds Procedures Act.

2938 Section 62. Section **63J-4-708** is amended to read:

2939 **63J-4-708. Reporting.**

2940 (1) On or before October 1, the board shall provide an annual written report to the  
2941 Social Services Appropriations Subcommittee, the Economic Development and Workforce  
2942 Services Interim Committee, and the [~~Talent Ready Utah Board created in Section~~  
2943 [63N-12-503](#)] Talent, Education, and Industry Alignment Subcommittee created in Section  
2944 [63N-1b-301](#).

2945 (2) The written report shall include:

2946 (a) information regarding the fiscal intermediary, the programmatic intermediary, the  
2947 eligible program provider, and the independent evaluator that have been selected;

2948 (b) the results of the feasibility analysis conducted in accordance with Section  
2949 [63J-4-706](#);

2950 (c) information regarding how many eligible participants have been served by the  
2951 education, employability training, and workforce placement program;

2952 (d) data and metrics:

2953 (i) used to measure the progress, performance, effectiveness, and scope of the  
2954 Employability to Careers Program, including summary data; and

2955 (ii) that are consistent and comparable for each state operation, activity, program, or  
2956 service that primarily involves employment training or placement as determined by the  
2957 executive directors of the office, the Department of Workforce Services, and the Governor's  
2958 Office of Economic [~~Development~~] Opportunity;

2959 (e) a description of program expenses, including what payments have been made to the  
2960 intermediary and the cost to the state for each successful eligible participant outcome; and

2961 (f) recommendations to the Legislature on any potential improvements to the  
2962 Employability to Careers Program, including whether the program should continue to receive  
2963 funding from the state.

2964 Section 63. Section **63L-2-301** is amended to read:

2965 **63L-2-301. Promoting or lobbying for a federal designation within the state.**

2966 (1) As used in this section:

2967 (a) "Federal designation" means the designation of a:

2968 (i) national monument;

2969 (ii) national conservation area;

2970 (iii) wilderness area or wilderness study area;

- 2971 (iv) area of critical environmental concern;
- 2972 (v) research natural area; or
- 2973 (vi) national recreation area.
- 2974 (b) (i) "Governmental entity" means:
- 2975 (A) a state-funded institution of higher education or public education;
- 2976 (B) a political subdivision of the state;
- 2977 (C) an office, agency, board, bureau, committee, department, advisory board, or
- 2978 commission that the government funds or establishes to carry out the public's business,
- 2979 regardless of whether the office, agency board, bureau, committee, department, advisory board,
- 2980 or commission is composed entirely of public officials or employees;
- 2981 (D) an interlocal entity as defined in Section [11-13-103](#) or a joint or cooperative
- 2982 undertaking as defined in Section [11-13-103](#);
- 2983 (E) a governmental nonprofit corporation as defined in Section [11-13a-102](#); or
- 2984 (F) an association as defined in Section [53G-7-1101](#).
- 2985 (ii) "Governmental entity" does not mean:
- 2986 (A) the School and Institutional Trust Lands Administration created in Section
- 2987 [53C-1-201](#);
- 2988 (B) the School and Institutional Trust Lands Board of Trustees created in Section
- 2989 [53C-1-202](#);
- 2990 (C) the Office of the Governor;
- 2991 (D) the Governor's Office of Management and Budget created in Section [63J-4-201](#);
- 2992 (E) the Public Lands Policy Coordinating Office created in Section [63J-4-602](#);
- 2993 (F) the Office of Energy Development created in Section [63M-4-401](#); or
- 2994 (G) the Governor's Office of Economic ~~[Development]~~ Opportunity created in Section
- 2995 ~~[[63N-1-201](#)]~~ [63N-1a-301](#), including the ~~[Office of Tourism and the Utah Office of Outdoor~~
- 2996 ~~Recreation created in Section [63N-9-104](#)]~~ Talent, Education, and Industry Alignment
- 2997 Subcommittee created in Section [63N-1b-301](#).
- 2998 (2) (a) A governmental entity, or a person a governmental entity employs and
- 2999 designates as a representative, may investigate the possibility of a federal designation within
- 3000 the state.
- 3001 (b) A governmental entity that intends to advocate for a federal designation within the

3002 state shall:

3003 (i) notify the chairs of the following committees before the introduction of federal  
3004 legislation:

3005 (A) the Natural Resources, Agriculture, and Environment Interim Committee, if  
3006 constituted, and the Federalism Commission; or

3007 (B) if the notice is given during a General Session, the House and Senate Natural  
3008 Resources, Agriculture, and Environment Standing Committees; and

3009 (ii) upon request of the chairs, meet with the relevant committee to review the proposal.

3010 (3) This section does not apply to a political subdivision supporting a federal  
3011 designation if the federal designation:

3012 (a) applies to 5,000 acres or less; and

3013 (b) has an economical or historical benefit to the political subdivision.

3014 Section 64. Section **63M-5-306** is amended to read:

3015 **63M-5-306. Financial impact statement -- Alleviation plan -- Filing required --**  
3016 **Contents -- Payments credited against tax -- Provisions neither exclusive nor mandatory.**

3017 (1) (a) A developer desiring to prepay ad valorem property taxes under Section  
3018 [63M-5-201](#) shall first prepare and file with the Governor's Office of Economic [~~Development~~]  
3019 Opportunity and all units of local government likely to be affected with a significant financial  
3020 impact due to a natural resource or industrial facility a financial impact statement together with  
3021 a plan for alleviating these impacts.

3022 (b) The impact statement and the alleviation plan shall be prepared in cooperation with  
3023 and after consultation with the Governor's Office of Economic [~~Development~~] Opportunity and  
3024 the affected units of local government.

3025 (c) The financial impact statement shall assess the projected financial impact on state  
3026 agencies and units of local government, including the impact on transportation systems,  
3027 culinary water systems, waste treatment facilities, public safety, schools, public health,  
3028 housing, planning and zoning, and general government administration.

3029 (d) The alleviation plan shall set out proposals for alleviating the impact and may  
3030 include payments to local units of government or direct expenditures by the developer to  
3031 alleviate the impact.

3032 (e) The impact statement and the alleviation plan may be amended by the developer in

3033 cooperation with and after consultation with the Governor's Office of Economic  
3034 [~~Development~~] Opportunity and those units of local government affected by the amendment.

3035 (2) At least 90 days prior to commencement of construction of an industrial facility or  
3036 natural resources facility by a major developer, an impact statement and alleviation plan as  
3037 described in Subsection (1) shall be filed by the major developer whether or not the major  
3038 developer desires to prepay ad valorem property taxes.

3039 (3) (a) Upon the filing of the financial impact statement and alleviation plan, a  
3040 developer may apply to the governing body of the affected unit of local government for  
3041 authorization to prepay a portion of the anticipated ad valorem property taxes to be expended  
3042 consistent with the alleviation plan.

3043 (b) This authorization may provide that only a portion of the amounts so prepaid can be  
3044 applied against the ad valorem property taxes due in any given year.

3045 (c) In addition to payments directly to the affected unit of local government, an affected  
3046 unit of local government may authorize a tax credit on anticipated ad valorem property taxes  
3047 for expenditures made by the developer to other persons so long as the expenditure is  
3048 consistent with the alleviation plan.

3049 (4) (a) This chapter is designed to provide an additional mechanism for the alleviation  
3050 of impacts on units of local government and is not intended to discourage the use of other  
3051 mechanisms as may be available.

3052 (b) Nothing in this chapter requires a developer to prepay ad valorem property taxes or  
3053 to make any other expenditure not otherwise required by law.

3054 Section 65. Section **63M-6-201** is amended to read:

3055 **63M-6-201. Acquisition of easements -- Restrictions -- Resale.**

3056 (1) (a) The Governor's Office of Economic [~~Development~~] Opportunity shall acquire,  
3057 by purchase or condemnation, easements for the establishment, maintenance, and operation of  
3058 a restrictive use area for the operation of aircraft to and from Hill Air Force Base because:

3059 (i) Hill Air Force Base is a military installation of vital importance to security of the  
3060 United States of America and to the economic well-being of the citizens of Utah;

3061 (ii) there are certain portions of land around the entire base that are being developed for  
3062 residential and other uses that are incompatible with current and future operations of the base  
3063 because of noise, health, safety, and accident reasons; and

3064 (iii) it is the purpose of this chapter for the state to acquire those easements restricting  
3065 the use of those lands and the air space above them in order to assure the continued operation  
3066 of Hill Air Force Base as an active military base and to protect the health, safety, and economic  
3067 well-being of the citizens of Utah.

3068 (b) The Governor's Office of Economic [~~Development~~] Opportunity may delegate its  
3069 power to purchase or condemn easements under this subsection to other state agencies if the  
3070 department ensures that those agencies comply with the procedures and requirements of this  
3071 chapter.

3072 (2) (a) The Governor's Office of Economic [~~Development~~] Opportunity shall ensure  
3073 that the easements restrict the land from those uses identified in the Hill Air Force Base  
3074 AICUZ Land Use Compatibility Guidelines Study, as amended, dated October, 1982, as not  
3075 being acceptable.

3076 (b) The Governor's Office of Economic [~~Development~~] Opportunity may allow certain  
3077 other uses not prohibited by those guidelines if those uses are consistent with the purpose of  
3078 this chapter.

3079 (c) Nothing in this chapter may be construed to authorize the Governor's Office of  
3080 Economic [~~Development~~] Opportunity or any other state agency to:

3081 (i) acquire any ownership interest in real property other than an easement restricting the  
3082 land from future uses inconsistent with the Hill Air Force Base AICUZ Land Use  
3083 Compatibility Guidelines Study, as amended, dated October 1982;

3084 (ii) purchase businesses; or

3085 (iii) require people to relocate or move from their property.

3086 (d) To calculate the purchase price for the easements, the Governor's Office of  
3087 Economic [~~Development~~] Opportunity shall subtract the market value of the real property and  
3088 its improvements after the acquisition of the easements from the market value of the real  
3089 property and its improvements before the acquisition of the easements.

3090 (e) When the Hill Air Force Base runways have not been used for seven years to  
3091 accommodate the arrival and departure of airplanes, the Governor's Office of Economic  
3092 [~~Development~~] Opportunity shall:

3093 (i) notify by certified mail each current owner of the property to which each easement  
3094 is attached;

3095 (ii) inform that owner that the owner may purchase the easement from the state for the  
3096 same price that the state paid for it originally or for the market value of the easement at the  
3097 time of the buyback, whichever is smaller; and

3098 (iii) sell the easement to the owner of the property to which the easement is attached if  
3099 the owner tenders the purchase price.

3100 (f) In addition to purchasing the easements required by this chapter, the Governor's  
3101 Office of Economic ~~[Development]~~ Opportunity may provide reasonable relocation expenses to  
3102 all churches, businesses, and schools that, as of March 1, 1994, were located either within the  
3103 north Hill Air Force Base accident potential zone (APZ) identified in Subsection  
3104 [63M-6-202\(1\)\(a\)](#) or within the south Hill Air Force Base accident potential zone (APZ)  
3105 identified in Subsection [63M-6-202\(1\)\(b\)](#) if those churches, businesses, and schools can  
3106 reasonably demonstrate that expansion of the use would have been permitted before acquisition  
3107 of the easements but is now prohibited because of the easement.

3108 (3) (a) The Governor's Office of Economic ~~[Development]~~ Opportunity may take  
3109 action to enforce the provisions of this chapter.

3110 (b) The attorney general shall represent the Governor's Office of Economic  
3111 ~~[Development]~~ Opportunity in that action.

3112 Section 66. Section **63M-6-202** is amended to read:

3113 **63M-6-202. Location of easements.**

3114 (1) The Governor's Office of Economic ~~[Development]~~ Opportunity or its designees  
3115 may acquire easements on the land within the following boundaries:

3116 (a) beginning on the north Hill Air Force Base accident potential zone (APZ) at a point  
3117 which is North 1,089,743.170 meters and East 459,346.946 meters based on the North zone,  
3118 State of Utah, NAD 83 coordinates and runs north to North 63 degrees 10 minutes 44 seconds,  
3119 East 457.109 meters, North 26 degrees 49 minutes 16 seconds, West 3,352.129 meters, South  
3120 63 degrees 10 minutes 44 seconds, West 914.217 meters, South 26 degrees 49 minutes 16  
3121 seconds, East 3,352.129 meters, North 63 degrees 10 minutes 44 seconds, East 457.109 meters  
3122 back to the point of beginning; and

3123 (b) beginning on the south Hill Air Force Base APZ which is North 1,086,065.786  
3124 meters and East 461,206.222 meters based on the North zone, State of Utah, NAD 83  
3125 coordinates and runs South 63 degrees 10 minutes 44 seconds, West 457.109 meters, South 26

3126 degrees 49 minutes 16 seconds, East 502.179 meters, South 0 degrees 20 minutes 35 seconds,  
3127 West 1,722.227 meters, South 89 degrees 39 minutes 25 seconds, East 883.743 meters, North  
3128 63 degrees 10 minutes 44 seconds, East 914.217 meters, North 26 degrees 49 minutes 16  
3129 seconds, West 2,437.912 meters, South 63 degrees 10 minutes 44 seconds, West 457.109  
3130 meters back to the point of beginning.

3131 (2) The Governor's Office of Economic [~~Development~~] Opportunity or its designees  
3132 may acquire easements on the following land that is located inside the 75 and 80 level  
3133 day-night (LDN) noise contour as identified in the Hill Air Force Base AICUZ Land Use  
3134 Compatibility Guidelines Study, as amended, dated October, 1982:

- 3135 (a) in the west half of Section 3, T4NR1W;
- 3136 (b) in the east half of Section 4, T4NR1W;
- 3137 (c) in the northeast quarter of Section 8, T4NR1W;
- 3138 (d) within all of Section 9, T4NR1W;
- 3139 (e) in the northwest quarter of Section 10, T4NR1W;
- 3140 (f) within the southwest quarter of Section 19, T5NR1W;
- 3141 (g) in the south half of Section 20, T5NR1W;
- 3142 (h) within the southwest quarter of Section 28, T5NR1W; and
- 3143 (i) within Section 29, T5NR1W.

3144 Section 67. Section **63M-6-203** is amended to read:

3145 **63M-6-203. Certain improvements, alterations, and expansions prohibited.**

3146 (1) A person or entity may not begin to develop, or authorize development, on any land  
3147 identified in this chapter until the Governor's Office of Economic [~~Development~~] Opportunity  
3148 has affirmatively authorized the development of the land because the development is consistent  
3149 with those uses identified in the Hill Air Force Base AICUZ Land Use Compatibility  
3150 Guidelines Study, as amended, dated October 1982.

3151 (2) Nothing in this chapter prohibits any property owner from improving, altering, or  
3152 expanding any existing residential or commercial use of the property owner's property so long  
3153 as the improvement, alteration, or expansion does not materially increase the human density of  
3154 that present use.

3155 Section 68. Section **63M-11-201** is amended to read:

3156 **63M-11-201. Composition -- Appointments -- Terms -- Removal.**

- 3157 (1) The commission shall be composed of 20 voting members as follows:
- 3158 (a) the executive director of the Department of Health;
- 3159 (b) the executive director of the Department of Human Services;
- 3160 (c) the executive director of the Governor's Office of Economic [Development]
- 3161 Opportunity;
- 3162 (d) the executive director of the Department of Workforce Services; and
- 3163 (e) 16 voting members, appointed by the governor, representing each of the following:
- 3164 (i) the Utah Association of Area Agencies on Aging;
- 3165 (ii) higher education in Utah;
- 3166 (iii) the business community;
- 3167 (iv) the Utah Association of Counties;
- 3168 (v) the Utah League of Cities and Towns;
- 3169 (vi) charitable organizations;
- 3170 (vii) the health care provider industry;
- 3171 (viii) financial institutions;
- 3172 (ix) the legal profession;
- 3173 (x) the public safety sector;
- 3174 (xi) public transportation;
- 3175 (xii) ethnic minorities;
- 3176 (xiii) the industry that provides long-term care for the elderly;
- 3177 (xiv) organizations or associations that advocate for the aging population;
- 3178 (xv) the Alzheimer's Association; and
- 3179 (xvi) the general public.
- 3180 (2) (a) A member appointed under Subsection (1)(e) shall serve a two-year term.
- 3181 (b) Notwithstanding the term requirements of Subsection (2)(a), the governor may
- 3182 adjust the length of the initial commission members' terms to ensure that the terms are
- 3183 staggered so that approximately 1/2 of the members appointed under Subsection (1)(e) are
- 3184 appointed each year.
- 3185 (c) When, for any reason, a vacancy occurs in a position appointed by the governor
- 3186 under Subsection (1)(e), the governor shall appoint a person to fill the vacancy for the
- 3187 unexpired term of the commission member being replaced.

3188 (d) Members appointed under Subsection (1)(e) may be removed by the governor for  
3189 cause.

3190 (e) A member appointed under Subsection (1)(e) shall be removed from the  
3191 commission and replaced by the governor if the member is absent for three consecutive  
3192 meetings of the commission without being excused by the chair of the commission.

3193 (3) In appointing the members under Subsection (1)(e), the governor shall:

3194 (a) take into account the geographical makeup of the commission; and

3195 (b) strive to appoint members who are knowledgeable or have an interest in issues  
3196 relating to the aging population.

3197 Section 69. Section ~~63N-1a-101~~, which is renumbered from Section 63N-1-101 is  
3198 renumbered and amended to read:

3199 **TITLE 63N. ECONOMIC OPPORTUNITY ACT**

3200 **CHAPTER 1a. ECONOMIC OPPORTUNITY ORGANIZATION**

3201 **Part 1. General Provisions**

3202 ~~[63N-1-101].~~ 63N-1a-101. Title.

3203 (1) This title is known as the [~~"Governor's Office of Economic Development."~~]  
3204 "Economic Opportunity Act."

3205 (2) This chapter is known as [~~"GOED General Provisions."~~] "Economic Opportunity  
3206 Organization."

3207 Section 70. Section ~~63N-1a-102~~, which is renumbered from Section 63N-1-102 is  
3208 renumbered and amended to read:

3209 ~~[63N-1-102].~~ 63N-1a-102. Definitions.

3210 As used in this title:

3211 (1) "Baseline jobs" means the number of full-time employee positions that existed  
3212 within a business entity in the state before the date on which a project related to the business  
3213 entity is approved by the office or by the GO Utah board.

3214 (2) "Baseline state revenue" means the amount of state tax revenue collected from a  
3215 business entity or the employees of a business entity during the year before the date on which a  
3216 project related to the business entity is approved by the office or by the GO Utah board.

3217 [~~(3) "Board" means the Board of Business and Economic Development created in~~  
3218 ~~Section ~~63N-1-401~~.~~]

3219            [~~(4) "Council" means the Governor's Economic Development Coordinating Council~~  
3220 ~~created in Section [63N-1-501](#).]~~

3221            (3) "Commission" means the Unified Economic Opportunity Commission created in  
3222 Section [63N-1a-201](#).

3223            (4) "Economic opportunity agency" includes:

3224            (a) the Department of Workforce Services;

3225            (b) the Department of Heritage and Arts;

3226            (c) the Department of Commerce;

3227            (d) the Department of Natural Resources;

3228            (e) the Office of Energy Development;

3229            (f) the State Board of Education;

3230            (g) institutions of higher education;

3231            (h) the Utah Multicultural Commission;

3232            (i) the World Trade Center Utah;

3233            (j) local government entities;

3234            (k) associations of governments;

3235            (l) the Utah League of Cities and Towns;

3236            (m) the Utah Association of Counties;

3237            (n) the Economic Development Corporation of Utah;

3238            (o) the Small Business Administration;

3239            (p) chambers of commerce;

3240            (q) industry associations;

3241            (r) small business development centers; and

3242            (s) other entities identified by the commission or the executive director.

3243            (5) "Executive director" means the executive director of the office.

3244            (6) "Full-time employee" means an employment position that is filled by an employee  
3245 who works at least 30 hours per week and:

3246            (a) may include an employment position filled by more than one employee, if each  
3247 employee who works less than 30 hours per week is provided benefits comparable to a  
3248 full-time employee; and

3249            (b) may not include an employment position that is shifted from one jurisdiction in the

3250 state to another jurisdiction in the state.

3251 (7) "GO Utah board" means the Business and Economic Development Subcommittee  
3252 created in Section [63N-1b-202](#).

3253 ~~[(7)]~~ (8) "High paying job" means a newly created full-time employee position where  
3254 the aggregate average annual gross wage of the employment position, not including health care  
3255 or other paid or unpaid benefits, is [at least]:

3256 (a) at least 110% of the average wage of the county in which the employment position  
3257 exists[-]; or

3258 (b) for an employment position related to a project described in Chapter 2, Part 1,  
3259 Economic Development Tax Increment Financing, and that is located within the boundary of a  
3260 county of the third, fourth, fifth, or sixth class, or located within a municipality in a county of  
3261 the second class and where the municipality has a population of 10,000 or less:

3262 (i) at least 100% of the average wage of the county in which the employment position  
3263 exists; or

3264 (ii) an amount determined by rule made by the office in accordance with Title 63G,  
3265 Chapter 3, Utah Administrative Rulemaking Act, if the office determines the project is in a  
3266 county experiencing economic distress.

3267 ~~[(8)]~~ (9) (a) "Incremental job" means a full-time employment position in the state that:

3268 ~~[(a)]~~ (i) did not exist within a business entity in the state before the beginning of a  
3269 project related to the business entity; and

3270 ~~[(b)]~~ (ii) is created in addition to the number of baseline jobs that existed within a  
3271 business entity.

3272 (b) "Incremental job" includes a full-time employment position where the employee is  
3273 hired:

3274 (i) directly by a business entity; or

3275 (ii) by a professional employer organization, as defined in Section [31A-40-102](#), on  
3276 behalf of a business entity.

3277 ~~[(9)]~~ (10) "New state revenue" means the state revenue collected from a business entity  
3278 or a business entity's employees during a calendar year minus the baseline state revenue  
3279 calculation.

3280 ~~[(10)]~~ (11) "Office" or ["GOED"] "GO Utah office" means the Governor's Office of

3281 Economic [~~Development~~] Opportunity.

3282 [~~(H)~~] (12) "State revenue" means state tax liability paid by a business entity or a  
3283 business entity's employees under any combination of the following provisions:

3284 (a) Title 59, Chapter 7, Corporate Franchise and Income Taxes;

3285 (b) Title 59, Chapter 10, Part 1, Determination and Reporting of Tax Liability and  
3286 Information;

3287 (c) Title 59, Chapter 10, Part 2, Trusts and Estates;

3288 (d) Title 59, Chapter 10, Part 4, Withholding of Tax; and

3289 (e) Title 59, Chapter 12, Sales and Use Tax Act.

3290 (13) "State strategic goals" means the strategic goals listed in Section [63N-1a-103](#).

3291 (14) "Statewide economic development strategy" means the economic development  
3292 strategy developed by the commission in accordance with Section [63N-1a-202](#).

3293 Section 71. Section **63N-1a-103** is enacted to read:

3294 **63N-1a-103. Purpose.**

3295 (1) The mission of the Economic Opportunity Act and the entities established herein is  
3296 to catalyze strategic economic opportunities for all residents of the state with a vision of  
3297 creating economically thriving communities, businesses, and families throughout the state.

3298 (2) The mission and vision are realized through targeted efforts that demonstrably  
3299 improve quality of life, measured by the extent to which the efforts accomplish the following  
3300 strategic goals:

3301 (a) catalyzing targeted industry growth;

3302 (b) supporting economically thriving communities;

3303 (c) empowering students and workers with market-relevant skills;

3304 (d) stimulating economic growth in rural and multicultural communities through  
3305 household level efforts; and

3306 (e) securing healthy and resilient ecosystems for current and future generations.

3307 Section 72. Section **63N-1a-201** is enacted to read:

3308 **Part 2. Creation of Unified Economic Opportunity Commission**

3309 **63N-1a-201. Creation of commission.**

3310 (1) There is created in the office the Unified Economic Opportunity Commission,  
3311 established to carry out the mission described in Section [63N-1a-103](#) and direct the office and

3312 other appropriate entities in fulfilling the state's strategic goals.

3313       (2) The commission consists of:

3314       (a) the following voting members:

3315       (i) the governor, who shall serve as the chair of the commission;

3316       (ii) the executive director, who shall serve as the vice chair of the commission;

3317       (iii) the executive director of the Department of Workforce Services;

3318       (iv) the executive director of the Department of Transportation;

3319       (v) the executive director of the Department of Natural Resources;

3320       (vi) the executive director of the Department of Commerce;

3321       (vii) the commissioner of the Department of Agriculture and Food;

3322       (viii) the executive director of the Governor's Office of Management and Budget;

3323       (ix) the commissioner of higher education;

3324       (x) the state superintendent of public instruction;

3325       (xi) the president of the Senate or the president's designee;

3326       (xii) the speaker of the House of Representatives or the speaker's designee;

3327       (xiii) one individual who is knowledgeable about housing needs in the state, including

3328 housing density and land use, appointed by the governor;

3329       (xiv) one individual who represents the interests of urban cities, appointed by the Utah

3330 League of Cities and Towns; and

3331       (xv) one individual who represents the interests of rural counties, appointed by the

3332 Utah Association of Counties; and

3333       (b) the following non-voting members:

3334       (i) the chief executive officer of World Trade Center Utah;

3335       (ii) the chief executive officer of the Economic Development Corporation of Utah; and

3336       (iii) a senior advisor to the chair of the commission with expertise in rural affairs of the

3337 state, appointed by the chair of the commission.

3338       (3) A majority of commission members constitutes a quorum for the purposes of

3339 conducting commission business and the action of a majority of a quorum constitutes the action

3340 of the commission.

3341       (4) The executive director of the office, or the executive director's designee, is the

3342 executive director of the commission.

- 3343 (5) The office shall provide:  
3344 (a) office space and administrative staff support for the commission; and  
3345 (b) the central leadership and coordination of the commission's efforts in the field of  
3346 economic development.  
3347 (6) (a) A member may not receive compensation or benefits for the member's service  
3348 on the commission, but may receive per diem and travel expenses in accordance with:  
3349 (i) Sections [63A-3-106](#) and [63A-3-107](#); and  
3350 (ii) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and  
3351 [63A-3-107](#).  
3352 (b) Compensation and expenses of a commission member who is a legislator are  
3353 governed by Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and  
3354 Expenses.  
3355 Section 73. Section **63N-1a-202** is enacted to read:  
3356 **63N-1a-202. Commission duties.**  
3357 (1) The commission shall:  
3358 (a) develop, coordinate, and lead a comprehensive statewide economic development  
3359 strategy that:  
3360 (i) unifies and coordinates economic development efforts in the state;  
3361 (ii) includes key performance indicators for long-term progress toward the state  
3362 strategic goals;  
3363 (iii) establishes reporting and accountability processes for the key performance  
3364 indicators; and  
3365 (iv) ensures the success of the statewide economic development strategy is shared  
3366 among the urban and rural areas of the state;  
3367 (b) receive feedback, input, and reports from economic opportunity agencies regarding  
3368 programs related to the statewide economic development strategy;  
3369 (c) develop the statewide economic strategy in view of the state water policy described  
3370 in Section [73-1-21](#), including the state's commitment to appropriate conservation, efficient and  
3371 optimal use of water resources, infrastructure development and improvement, optimal  
3372 agricultural use, water quality, reasonable access to recreational activities, effective wastewater  
3373 treatment, and protecting and restoring healthy ecosystems;

3374 (d) direct and facilitate changes to or recommend elimination of economic  
3375 development programs to ensure alignment with the mission and vision described in Section  
3376 63N-1a-103;

3377 (e) at least once every five years, identify industry clusters on which the commission  
3378 recommends the state focus recruiting and expansion efforts;

3379 (f) establish strategies for the recruitment and retention of targeted industry clusters  
3380 while respecting the different needs of rural and urban areas throughout the state;

3381 (g) establish strategies for supporting entrepreneurship and small business development  
3382 in the state;

3383 (h) analyze the state's projected long-term population and economic growth and plan  
3384 for the anticipated impacts of the projected growth in a manner that improves quality of life  
3385 and is consistent with the statewide economic development strategy and state strategic goals;

3386 (i) identify gaps and potential solutions related to improving infrastructure, especially  
3387 as related to the state's projected long-term population growth;

3388 (j) support the development of a prepared workforce that can support critical industries  
3389 and industry clusters identified by the commission;

3390 (k) coordinate and develop strategies that assist education providers and industry to  
3391 cooperate in supporting students in developing market relevant skills to meet industry needs;

3392 (l) develop strategies and plans to ensure comprehensive economic development efforts  
3393 are targeted to the unique needs of rural areas of the state;

3394 (m) study the unique needs of multicultural communities throughout the state and  
3395 develop household-level plans to ensure residents of the state can participate in economic  
3396 opportunities in the state;

3397 (n) ensure the commission's efforts are, to the extent practicable, data-driven and  
3398 evidence-based;

3399 (o) support an integrated international trade strategy for the state;

3400 (p) facilitate coordination among public, private, and nonprofit economic opportunity  
3401 agencies; and

3402 (q) in performing the commission's duties, consider the recommendations of the  
3403 subcommittees described in Chapter 1b, Commission Subcommittees.

3404 (2) The commission shall provide a report to the office for inclusion in the office's

3405 annual written report described in Section 63N-1a-306, that includes:

3406 (a) the statewide economic development strategy;

3407 (b) a description of how the commission fulfilled the commission's statutory purposes  
3408 and duties during the year, including any relevant findings;

3409 (c) the key performance indicators included in the statewide economic development  
3410 strategy, including data showing the extent to which the indicators are being met; and

3411 (d) any legislative recommendations.

3412 Section 74. Section **63N-1a-301**, which is renumbered from Section 63N-1-201 is  
3413 renumbered and amended to read:

3414 **Part 3. Creation of Governor's Office of Economic Opportunity**

3415 ~~[63N-1-201].~~ **63N-1a-301. Creation of office -- Responsibilities.**

3416 (1) There is created the Governor's Office of Economic ~~[Development]~~ Opportunity.

3417 (2) The office is:

3418 (a) responsible for ~~[economic development and economic development planning in the~~  
3419 ~~state]~~ implementing the statewide economic development strategy developed by the  
3420 commission; and

3421 (b) the industrial and business promotion authority of the state.

3422 (3) The office shall:

3423 (a) consistent with the statewide economic development strategy, coordinate and align  
3424 into a single effort the activities of the economic opportunity agencies in the field of economic  
3425 development;

3426 (b) provide support and direction to economic opportunity agencies in establishing  
3427 goals, metrics, and activities that align with the statewide economic development strategy;

3428 ~~[(a)]~~ (c) administer and coordinate state and federal economic development grant  
3429 programs;

3430 ~~[(b)]~~ (d) promote and encourage the economic, commercial, financial, industrial,  
3431 agricultural, and civic welfare of the state;

3432 ~~[(c)]~~ (e) promote and encourage the employment of workers in the state and the  
3433 purchase of goods and services produced in the state by local businesses;

3434 ~~[(d)]~~ (f) act to create, develop, attract, and retain business, industry, and commerce in  
3435 the state, in accordance with the statewide economic development plan and commission

3436 directives;  
3437 ~~[(e)]~~ (g) act to enhance the state's economy;  
3438 ~~[(f) administer programs over which the office is given administrative supervision by~~  
3439 ~~the governor;]~~  
3440 (h) act to assist strategic industries that are likely to drive future economic growth;  
3441 (i) assist communities in the state in developing economic development capacity and  
3442 coordination with other communities;  
3443 (j) identify areas of education and workforce development in the state that can be  
3444 improved to support economic and business development;  
3445 (k) consistent with direction from the commission, develop core strategic priorities for  
3446 the office, which may include:  
3447 (i) enhancing statewide access to entrepreneurship opportunities and small business  
3448 support;  
3449 (ii) focusing industry recruitment and expansion on strategically chosen clusters of  
3450 industries;  
3451 (iii) ensuring that in awarding competitive economic development incentives the office  
3452 accurately measures the benefits and costs of the incentives; and  
3453 (iv) assisting communities with technical support to aid those communities in  
3454 improving economic development opportunities;  
3455 ~~[(g)]~~ (l) submit an annual written report as described in Section [~~63N-1-301~~]  
3456 [63N-1a-306](#); and  
3457 ~~[(h)]~~ (m) perform other duties as provided by the Legislature.  
3458 (4) In order to perform its duties under this title, the office may:  
3459 (a) enter into a contract or agreement with, or make a grant to, a public or private  
3460 entity, including a municipality, if the contract or agreement is not in violation of state statute  
3461 or other applicable law;  
3462 (b) except as provided in Subsection (4)(c), receive and expend funds from a public or  
3463 private source for any lawful purpose that is in the state's best interest; and  
3464 (c) solicit and accept a contribution of money, services, or facilities from a public or  
3465 private donor, but may not use the contribution for publicizing the exclusive interest of the  
3466 donor.

3467 (5) Money received under Subsection (4)(c) shall be deposited in the General Fund as  
3468 dedicated credits of the office.

3469 (6) (a) The office shall:

3470 (i) obtain the advice of the GO Utah board before implementing a change to a policy,  
3471 priority, or objective under which the office operates[-]; and

3472 (ii) provide periodic updates to the commission regarding the office's efforts under  
3473 Subsections (3)(a) and (b).

3474 (b) Subsection (6)(a)(i) does not apply to the routine administration by the office of  
3475 money or services related to the assistance, retention, or recruitment of business, industry, or  
3476 commerce in the state.

3477 Section 75. Section **63N-1a-302**, which is renumbered from Section 63N-1-202 is  
3478 renumbered and amended to read:

3479 ~~[63N-1-202].~~ **63N-1a-302. Executive director of office -- Appointment --**  
3480 **Removal -- Compensation.**

3481 (1) The office shall be administered, organized, and managed by an executive director  
3482 appointed by the governor, with the advice and consent of the Senate.

3483 (2) The executive director serves at the pleasure of the governor.

3484 (3) The salary of the executive director shall be established by the governor within the  
3485 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

3486 Section 76. Section **63N-1a-303**, which is renumbered from Section 63N-1-203 is  
3487 renumbered and amended to read:

3488 ~~[63N-1-203].~~ **63N-1a-303. Powers and duties of executive director.**

3489 (1) Unless otherwise expressly provided by statute, the executive director may organize  
3490 the office in any appropriate manner, including the appointment of deputy directors of the  
3491 office.

3492 (2) The executive director may consolidate personnel and service functions for  
3493 efficiency and economy in the office.

3494 (3) The executive director, with the approval of the governor:

3495 (a) may, by following the procedures and requirements of Title 63J, Chapter 5, Federal  
3496 Funds Procedures Act, seek federal grants, loans, or participation in federal programs;

3497 (b) may enter into a lawful contract or agreement with another state, a chamber of

3498 commerce organization, a service club, or a private entity; and

3499 (c) shall annually prepare and submit to the governor a budget of the office's financial  
3500 requirements.

3501 (4) With the governor's approval, if a federal program requires the expenditure of state  
3502 funds as a condition for the state to participate in a fund, property, or service, the executive  
3503 director may expend necessary funds from money provided by the Legislature for the use of the  
3504 office.

3505 (5) The executive director shall coordinate with the executive directors of the  
3506 Department of Workforce Services and the Governor's Office of Management and Budget to  
3507 review data and metrics to be reported to the Legislature as described in Subsection  
3508 [~~63N-1-301~~] 63N-1a-306(2)(b).

3509 Section 77. Section ~~63N-1a-304~~, which is renumbered from Section 63N-1-204 is  
3510 renumbered and amended to read:

3511 [~~63N-1-204~~]. 63N-1a-304. Executive director and the Public Service  
3512 **Commission.**

3513 (1) The executive director or the executive director's designee shall:

3514 (a) become generally informed of significant rate cases and policy proceedings before  
3515 the Public Service Commission; and

3516 (b) monitor and study the potential economic development impact of these  
3517 proceedings.

3518 (2) In the discretion of the executive director or the executive director's designee, the  
3519 office may appear in a proceeding before the Public Service Commission to testify, advise, or  
3520 present argument regarding the economic development impact of a matter that is the subject of  
3521 the proceeding.

3522 Section 78. Section ~~63N-1a-305~~, which is renumbered from Section 63N-1-205 is  
3523 renumbered and amended to read:

3524 [~~63N-1-205~~]. 63N-1a-305. Incentive review process.

3525 The Legislature intends that the [~~Governor's Office of Economic Development~~] office  
3526 will develop an incentives review process under the direction of the speaker of the House and  
3527 the president of the Senate.

3528 Section 79. Section ~~63N-1a-306~~, which is renumbered from Section 63N-1-301 is

3529 renumbered and amended to read:

3530 ~~[63N-1-301]~~. 63N-1a-306. Annual report -- Content -- Format.

3531 (1) The office shall prepare and submit to the governor and the Legislature, by October  
3532 1 of each year, an annual written report of the operations, activities, programs, and services of  
3533 the office, including the divisions, sections, boards, commissions, councils, and committees  
3534 established under this title, for the preceding fiscal year.

3535 (2) For each operation, activity, program, or service provided by the office, the annual  
3536 report shall include:

3537 (a) a description of the operation, activity, program, or service;

3538 (b) data and metrics:

3539 (i) selected and used by the office to measure progress, performance, effectiveness, and  
3540 scope of the operation, activity, program, or service, including summary data; and

3541 (ii) that are consistent and comparable for each state operation, activity, program, or  
3542 service that primarily involves employment training or placement as determined by the  
3543 executive directors of the office, the Department of Workforce Services, and the Governor's  
3544 Office of Management and Budget;

3545 (c) budget data, including the amount and source of funding, expenses, and allocation  
3546 of full-time employees for the operation, activity, program, or service;

3547 (d) historical data from previous years for comparison with data reported under  
3548 Subsections (2)(b) and (c);

3549 (e) goals, challenges, and achievements related to the operation, activity, program, or  
3550 service;

3551 (f) relevant federal and state statutory references and requirements;

3552 (g) contact information of officials knowledgeable and responsible for each operation,  
3553 activity, program, or service; and

3554 (h) other information determined by the office that:

3555 (i) may be needed, useful, or of historical significance; or

3556 (ii) promotes accountability and transparency for each operation, activity, program, or  
3557 service with the public and elected officials.

3558 (3) The annual report shall be designed to provide clear, accurate, and accessible  
3559 information to the public, the governor, and the Legislature.

3560 (4) The office shall:

3561 (a) submit the annual report in accordance with Section 68-3-14;

3562 (b) make the annual report, and previous annual reports, accessible to the public by  
3563 placing a link to the reports on the office's website; and

3564 (c) provide the data and metrics described in Subsection (2)(b) to the [Talent Ready  
3565 Utah Board created in Section 63N-12-503] Talent, Education, and Industry Alignment  
3566 Subcommittee created in Section 63N-1b-301.

3567 [~~(5) (a) On or before October 1, 2019, the office shall:~~]

3568 [~~(i) in consultation with the organizations described in Subsection (5)(c), coordinate  
3569 the development of a written strategic plan that contains a coordinated economic development  
3570 strategy for the state; and]~~

3571 [~~(ii) provide the strategic plan to the president of the Senate, the speaker of the House  
3572 of Representatives, and the Economic Development and Workforce Services Interim  
3573 Committee.;~~]

3574 [~~(b) The strategic plan shall:~~]

3575 [~~(i) establish a statewide economic development strategy that consists of a limited set  
3576 of clear, concise, and defined principles and goals;]~~

3577 [~~(ii) recommend targeted economic development policies that will further the  
3578 implementation of the economic development strategy described in this section;]~~

3579 [~~(iii) identify each of the relevant state-level economic development agencies,  
3580 including the agencies described in Subsection (5)(c);]~~

3581 [~~(iv) outline the functional role in furthering the state's economic development strategy  
3582 for each relevant state-level economic development agency;]~~

3583 [~~(v) establish specific principles and make specific recommendations to decrease  
3584 competition and increase communication and cooperation among state-level economic  
3585 development agencies, providers and administrators of economic development programs in the  
3586 state, nonprofit entities that participate in economic development in the state, and local  
3587 governments;]~~

3588 [~~(vi) recommend a fundamental realignment of economic development programs in the  
3589 state to ensure each program's purpose is congruent with the mission of the organization within  
3590 which the program is located;]~~

3591 ~~[(vii) address rural economic development by:]~~  
 3592 ~~[(A) establishing goals and principles to ensure the state's economic development~~  
 3593 ~~strategy works for both urban and rural areas of the state; and]~~  
 3594 ~~[(B) providing recommendations on how existing rural economic development~~  
 3595 ~~programs should be restructured or realigned;]~~  
 3596 ~~[(viii) assess the effectiveness of the state's economic development incentives and~~  
 3597 ~~make recommendations regarding:]~~  
 3598 ~~[(A) how incentive policies could be improved; and]~~  
 3599 ~~[(B) how incentives could be better coordinated among state-level economic~~  
 3600 ~~development agencies and local governments;]~~  
 3601 ~~[(ix) make recommendations regarding how to align the state's economic development~~  
 3602 ~~strategy and policies in order to take advantage of the strengths and address the weaknesses of~~  
 3603 ~~the state's current and projected urban and rural workforce;]~~  
 3604 ~~[(x) make recommendations regarding how to monitor and assess whether certain~~  
 3605 ~~economic development policies further the statewide economic development strategy described~~  
 3606 ~~in this section, including recommendations on performance metrics to measure results; and]~~  
 3607 ~~[(xi) align the strategic plan with each element of the statewide economic development~~  
 3608 ~~strategy.]~~  
 3609 ~~[(c) The office shall coordinate the development of the strategic plan by working in~~  
 3610 ~~coordination with and obtaining information from other state agencies, including:]~~  
 3611 ~~[(i) the Department of Workforce Services;]~~  
 3612 ~~[(ii) the Office of Energy Development;]~~  
 3613 ~~[(iii) the State Board of Education; and]~~  
 3614 ~~[(iv) the Utah Board of Higher Education.]~~  
 3615 ~~[(d) If contacted by the office, other state agencies, including those described in~~  
 3616 ~~Subsection (5)(c), shall, in accordance with state and federal law, share information and~~  
 3617 ~~cooperate with the office in coordinating the development of the strategic plan.]~~

3618 Section 80. Section **63N-1b-101** is enacted to read:

3619 **CHAPTER 1b. COMMISSION SUBCOMMITTEES**

3620 **Part 1. General Provisions**

3621 **63N-1b-101. Definitions.**

3622 As used in this chapter:

3623 (1) "Apprenticeship program" means a program that:

3624 (a) combines paid on-the-job learning with formal classroom instruction to prepare  
3625 students for careers; and

3626 (b) includes:

3627 (i) structured on-the-job learning for students under the supervision of a skilled  
3628 employee;

3629 (ii) classroom instruction for students related to the on-the-job learning;

3630 (iii) ongoing student assessments using established competency and skills standards;  
3631 and

3632 (iv) the student receiving an industry-recognized credential or degree upon completion  
3633 of the program.

3634 (2) "Career and technical education region" means an economic service area created in  
3635 Section [35A-2-101](#).

3636 (3) "High quality professional learning" means the professional learning standards for  
3637 teachers and principals described in Section [53G-11-303](#).

3638 (4) "Institution of higher education" means the University of Utah, Utah State  
3639 University, Southern Utah University, Weber State University, Snow College, Dixie State  
3640 University, Utah Valley University, or Salt Lake Community College.

3641 (5) "Local education agency" means a school district, a charter school, or the Utah  
3642 Schools for the Deaf and the Blind.

3643 (6) "Master plan" means the computer science education master plan described in  
3644 Section [63N-1b-304](#).

3645 (7) "Participating employer" means an employer that:

3646 (a) partners with an educational institution on a curriculum for an apprenticeship  
3647 program or work-based learning program; and

3648 (b) provides an apprenticeship or work-based learning program for students.

3649 (8) "State board" means the State Board of Education.

3650 (9) "Talent program" means the Talent Ready Utah Program created in Section  
3651 [63N-1b-302](#).

3652 (10) "Talent subcommittee" means the Talent, Education, and Industry Alignment

3653 Subcommittee created in Section 63N-1b-301.

3654 (11) "Technical college" means:

3655 (a) a technical college described in Section 53B-2a-105;

3656 (b) the School of Applied Technology at Salt Lake Community College established in

3657 Section 53B-16-209;

3658 (c) Utah State University Eastern established in Section 53B-18-1201;

3659 (d) Utah State University Blanding established in Section 53B-18-1202; or

3660 (e) the Snow College Richfield campus established in Section 53B-16-205.

3661 (12) (a) "Work-based learning program" means a program that combines structured and

3662 supervised learning activities with authentic work experiences and that is implemented through

3663 industry and education partnerships.

3664 (b) "Work-based learning program" includes the following objectives:

3665 (i) providing students an applied workplace experience using knowledge and skills  
3666 attained in a program of study that includes an internship, externship, or work experience;

3667 (ii) providing an educational institution with objective input from a participating  
3668 employer regarding the education requirements of the current workforce; and

3669 (iii) providing funding for programs that are associated with high-wage, in-demand, or  
3670 emerging occupations.

3671 (13) "Workforce programs" means education or industry programs that facilitate  
3672 training the state's workforce to meet industry demand.

3673 Section 81. Section **63N-1b-102** is enacted to read:

3674 **63N-1b-102. Subcommittees generally.**

3675 (1) Each subcommittee created under this part or by the commission in accordance  
3676 with this section serves under the direction of the commission and shall assist the commission  
3677 in performing the commission's duties.

3678 (2) In addition to the subcommittees created under this part, the commission may  
3679 establish one or more subcommittees to assist and advise the commission on specified topics or  
3680 issues relevant to the commission's duties, including:

3681 (a) rural economic growth;

3682 (b) sustainable community growth;

3683 (c) small business and entrepreneurship;

- 3684 (d) multicultural economic empowerment; and  
 3685 (e) international relations, trade, and immigration.  
 3686 (3) When establishing a subcommittee under Subsection (2), the commission shall:  
 3687 (a) appoint members to the subcommittee that represent a range of views and expertise;  
 3688 and  
 3689 (b) adopt subcommittee procedures and directives.  
 3690 (4) (a) A member of a subcommittee may not receive compensation or benefits for the  
 3691 member's service, but may receive per diem and travel expenses in accordance with:  
 3692 (i) Section [63A-3-106](#);  
 3693 (ii) Section [63A-3-107](#); and  
 3694 (iii) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).  
 3695 (b) Compensation and expenses of a subcommittee member who is a legislator are  
 3696 governed by Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and  
 3697 Expenses.

3698 Section 82. Section **63N-1b-201**, which is renumbered from Section 63N-1-401 is  
 3699 renumbered and amended to read:

3700 **Part 2. Business and Economic Development Subcommittee**

3701 ~~[63N-1-401].~~ **63N-1b-201. Business and Economic Development --**  
 3702 **Subcommittee -- Creation -- Membership -- Expenses.**

3703 (1) (a) There is created [~~within the office the Board of Business and Economic~~  
 3704 ~~Development~~] a subcommittee of the commission, called the Business and Economic  
 3705 Development Subcommittee, consisting of 15 members appointed by the [governor] chair of  
 3706 the commission, in consultation with the executive director, to four-year terms of office with  
 3707 the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2,  
 3708 Vacancies[-], including:

- 3709 (i) a representative from a rural association of governments;  
 3710 (ii) a rural representative of agriculture;  
 3711 (iii) a rural representative of the travel industry;  
 3712 (iv) a representative of rural utilities; and  
 3713 (v) a representative from the oil, gas, or mineral extraction industry.  
 3714 (b) Notwithstanding the requirements of Subsection (1)(a), the [governor] chair of the

3715 commission shall, at the time of appointment or reappointment, adjust the length of terms to  
3716 ensure that the terms of board members are staggered so that approximately half of the [board]  
3717 subcommittee is appointed every two years.

3718 (c) The members may not serve more than two full consecutive terms except where the  
3719 [governor] chair of the commission determines that an additional term is in the best interest of  
3720 the state.

3721 (2) In appointing members of the committee, the [governor] chair of the commission  
3722 shall ensure that:

3723 (a) no more than eight members of the [board] subcommittee are from one political  
3724 party; and

3725 (b) members represent a variety of geographic areas and economic interests of the state.

3726 (3) When a vacancy occurs in the membership for any reason, the replacement shall be  
3727 appointed for the unexpired term in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

3728 (4) Eight members of the [board] subcommittee constitute a quorum for conducting  
3729 board business and exercising board power.

3730 (5) The [governor] chair of the commission shall select one [board] subcommittee  
3731 member as the [board's] subcommittee's chair and one member as the subcommittee's vice  
3732 chair.

3733 (6) A member may not receive compensation or benefits for the member's service, but  
3734 may receive per diem and travel expenses in accordance with:

3735 (a) Section [63A-3-106](#);

3736 (b) Section [63A-3-107](#); and

3737 (c) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

3738 (7) A member shall comply with the conflict of interest provisions described in Title  
3739 63G, Chapter 24, Part 3, Conflicts of Interest.

3740 (8) Nothing in this section prohibits an individual who, on May 4, 2021, is a member  
3741 of a board within the office known as the Board of Business and Economic Development from  
3742 serving as a member of the GO Utah board.

3743 Section 83. Section **63N-1b-202**, which is renumbered from Section 63N-1-402 is  
3744 renumbered and amended to read:

3745 ~~[63N-1-402]~~. **63N-1b-202. Business and Economic Development**

3746 **Subcommittee duties and powers.**

3747 (1) The [~~board~~] Business and Economic Development Subcommittee shall advise and  
3748 assist the [~~office~~] commission to:

3749 (a) promote and encourage the economic, commercial, financial, industrial,  
3750 agricultural, and civic welfare of the state;

3751 (b) promote and encourage the development, attraction, expansion, and retention of  
3752 businesses, industries, and commerce in the state;

3753 (c) support the efforts of local government and regional nonprofit economic  
3754 development organizations to encourage expansion or retention of businesses, industries, and  
3755 commerce in the state;

3756 (d) act to enhance the state's economy;

3757 (e) work in conjunction with companies and individuals located or doing business in  
3758 the state to secure favorable rates, fares, tolls, charges, and classification for transportation of  
3759 persons or property by:

3760 (i) railroad;

3761 (ii) motor carrier; or

3762 (iii) other common carriers;

3763 (f) [~~recommend~~] develop policies, priorities, and objectives [~~to the office~~]  
3764 the assistance, retention, or recruitment of business, industries, and commerce in the state;

3765 (g) [~~recommend how the office should~~] administer programs for the assistance,  
3766 retention, or recruitment of businesses, industries, and commerce in the state;

3767 (h) [~~help~~] ensure that [~~economic-development~~] economic development programs are  
3768 available to all areas of the state in accordance with federal and state law; [~~and~~]

3769 (i) identify local, regional, and statewide rural economic development and planning  
3770 priorities;

3771 (j) understand, through study and input, issues relating to local, regional, and statewide  
3772 rural economic development, including challenges, opportunities, best practices, policy,  
3773 planning, and collaboration; and

3774 [(†)] (k) maintain ethical and conflict of interest standards consistent with those  
3775 imposed on a public officer under Title 67, Chapter 16, Utah Public Officers' and Employees'  
3776 Ethics Act.

- 3777 (2) The subcommittee shall:  
 3778 (a) serve as an advisory board to the commission on rural economic development  
 3779 issues;  
 3780 (b) prepare an annual strategic plan that:  
 3781 (i) identifies rural economic development, planning, and leadership training challenges,  
 3782 opportunities, priorities, and objectives; and  
 3783 (ii) includes a work plan for accomplishing the objectives referred to in Subsection  
 3784 (1)(b)(i); and  
 3785 (c) oversee the Rural County Grant Program created in Section [17-54-103](#).

3786 [~~2~~] (3) The [board] subcommittee may:

3787 (a) in accordance with Subsection (1)(e), appear as a party litigant on behalf of an  
 3788 individual or a company located or doing business in the state in a proceeding before a  
 3789 regulatory commission of the state, another state, or the federal government; and

3790 (b) in consultation with the executive director, make, amend, or repeal rules for the  
 3791 conduct of its business consistent with this part and in accordance with Title 63G, Chapter 3,  
 3792 Utah Administrative Rulemaking Act.

3793 Section 84. Section **63N-1b-301**, which is renumbered from Section 63N-12-503 is  
 3794 renumbered and amended to read:

3795 **Part 3. Talent, Education, and Industry Alignment Subcommittee**

3796 ~~[63N-12-503].~~ **63N-1b-301. Talent, Education, and Industry Alignment**

3797 **Subcommittee -- Creation -- Membership -- Expenses -- Duties.**

3798 [~~(1) There is created within GOED the Talent Ready Utah Board composed of the~~  
 3799 ~~following 14 members:]~~

3800 (1) There is created a subcommittee of the commission called the Talent, Education,  
 3801 and Industry Alignment Subcommittee composed of the following members:

3802 (a) the state superintendent of public instruction or the superintendent's designee;

3803 (b) the commissioner of higher education or the commissioner of higher education's  
 3804 designee;

3805 (c) the chair of the State Board of Education or the chair's designee;

3806 (d) the executive director of the Department of Workforce Services or the executive  
 3807 director of the department's designee;

- 3808 (e) the executive director of [~~GOED~~] the GO Utah office or the executive director's  
3809 designee;
- 3810 (f) the director of the Division of Occupational and Professional Licensing or the  
3811 director's designee;
- 3812 (g) the governor's education advisor or the advisor's designee;
- 3813 (h) one member of the Senate, appointed by the president of the Senate;
- 3814 (i) one member of the House of Representatives, appointed by the speaker of the House  
3815 of Representatives;
- 3816 (j) the president of the Salt Lake Chamber or the president's designee;
- 3817 (k) three representatives of private industry chosen by the [~~talent ready board; and~~]  
3818 commission;
- 3819 (l) a representative of the technology industry chosen by the [~~talent ready board;~~]  
3820 commission;
- 3821 (m) the lieutenant governor or the lieutenant governor's designee; and
- 3822 (n) any additional individuals appointed by the commission who represent:
- 3823 (i) one or more individual educational institutions; or
- 3824 (ii) education or industry professionals.
- 3825 (2) The [~~talent ready board~~] commission shall select a chair and vice chair from among  
3826 the members of the talent [~~ready board~~] subcommittee.
- 3827 (3) The talent [~~ready board~~] subcommittee shall meet at least quarterly.
- 3828 (4) Attendance of a majority of the members of the talent [~~ready board~~] subcommittee  
3829 constitutes a quorum for the transaction of official talent [~~ready board~~] subcommittee business.
- 3830 (5) Formal action by the talent [~~ready board~~] subcommittee requires the majority vote  
3831 of a quorum.
- 3832 (6) A member of the talent [~~ready board~~] subcommittee:
- 3833 (a) may not receive compensation or benefits for the member's service; and
- 3834 (b) who is not a legislator may receive per diem and travel expenses in accordance  
3835 with:
- 3836 (i) Section 63A-3-106;
- 3837 (ii) Section 63A-3-107; and
- 3838 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

3839 63A-3-107.

3840 (7) The talent [~~ready board~~] subcommittee shall:

3841 (a) (i) review and develop metrics to measure the progress, performance, effectiveness,  
3842 and scope of any state operation, activity, program, or service that primarily involves

3843 employment training or placement; and

3844 (ii) ensure that the metrics described in Subsection (7)(a) are consistent and  
3845 comparable for each state operation, activity, program, or service that primarily involves  
3846 employment training or placement;

3847 (b) make recommendations to the [~~center~~] commission regarding how to better align  
3848 training and education in the state with industry demand;

3849 (c) make recommendations to the [~~center~~] commission regarding how to better align  
3850 technical education with current and future workforce needs; and

3851 (d) coordinate with the [~~center~~] commission to meet the responsibilities described in  
3852 Subsection [~~63N-12-502(4)~~] 63N-1b-302(4).

3853 Section 85. Section ~~63N-1b-302~~, which is renumbered from Section 63N-12-502 is  
3854 renumbered and amended to read:

3855 [~~63N-12-502~~]. 63N-1b-302. Talent Ready Utah Program.

3856 (1) There is created within [~~GOED~~] the office the Talent Ready Utah [~~Center~~]  
3857 Program.

3858 (2) The executive director shall appoint a director of the [~~center~~] talent program.

3859 (3) The director of the [~~center~~] talent program may appoint staff with the approval of  
3860 the executive director.

3861 (4) The [~~center~~] talent program shall coordinate with the talent [~~ready board~~]  
3862 subcommittee to:

3863 (a) further education and industry alignment in the state;

3864 (b) coordinate the development of new education programs that align with industry  
3865 demand;

3866 (c) coordinate or partner with other state agencies to administer grant programs;

3867 (d) promote the inclusion of industry partners in education;

3868 (e) provide outreach and information to employers regarding workforce programs and  
3869 initiatives;

- 3870 (f) develop and analyze stackable credential programs;
- 3871 (g) determine efficiencies among workforce providers;
- 3872 (h) map available workforce programs focusing on programs that successfully create
- 3873 high-paying jobs; and
- 3874 (i) support initiatives of the talent ~~[ready board]~~ subcommittee.

3875 Section 86. Section **63N-1b-303**, which is renumbered from Section 63N-12-504 is

3876 renumbered and amended to read:

3877 ~~[63N-12-504]~~. **63N-1b-303. Reporting.**

3878 The ~~[center]~~ talent program shall prepare an annual report describing the ~~[center's]~~

3879 talent program's operations and recommendations for inclusion in ~~[GOED's]~~ the office's annual

3880 written report described in Section ~~[63N-1-301]~~ 63N-1a-306, including the results of the

3881 apprenticeship pilot program described in Section ~~[63N-12-507]~~ 63N-1b-306.

3882 Section 87. Section **63N-1b-304**, which is renumbered from Section 63N-12-505 is

3883 renumbered and amended to read:

3884 ~~[63N-12-505]~~. **63N-1b-304. Computer science education master plan.**

3885 ~~[On or before August 30, 2019, the talent ready board]~~ The talent subcommittee, in

3886 consultation with the state board and the ~~[center]~~ talent program, shall develop a computer

3887 science education master plan that:

- 3888 (1) includes a statement of the objectives and goals of the master plan;
- 3889 (2) describes how the talent ~~[ready board]~~ subcommittee and the state board will
- 3890 administer the Computer Science for Utah Grant Program created in Section ~~[63N-12-506]~~
- 3891 63N-1b-305;
- 3892 (3) provides guidance for local education agencies in implementing computer science
- 3893 education opportunities for students in high school, middle school, and elementary school;
- 3894 (4) integrates recommendations and best practices from private and public entities that
- 3895 are seeking to improve and expand the opportunities for computer science education, including
- 3896 the Expanding Computer Education Pathways Alliance; and
- 3897 (5) makes recommendations to assist a local education agency in creating a local
- 3898 education agency computer science plan described in Subsection ~~[63N-12-506]~~ 63N-1b-305(7),
- 3899 including:
  - 3900 (a) providing recommendations regarding course offerings in computer science;

3901 (b) providing recommendations regarding professional development opportunities in  
3902 computer science for licensed teachers;

3903 (c) providing recommendations regarding curriculum software for computer science  
3904 courses;

3905 (d) providing recommendations regarding assessment solutions to measure the learning  
3906 outcomes of students in computer science courses; and

3907 (e) providing information regarding how a local education agency can receive technical  
3908 support from the talent [~~ready board~~] subcommittee in providing computer science education  
3909 opportunities for students.

3910 Section 88. Section **63N-1b-305**, which is renumbered from Section 63N-12-506 is  
3911 renumbered and amended to read:

3912 ~~[63N-12-506]~~. **63N-1b-305. Computer Science for Utah Grant Program.**

3913 (1) As used in this section, "grant program" means the Computer Science for Utah  
3914 Grant Program created in Subsection (2).

3915 (2) The Computer Science for Utah Grant Program is created to provide grants to  
3916 eligible local education agencies for improving computer science learning outcomes and course  
3917 offerings as demonstrated by:

3918 (a) the creation and implementation of a local education agency computer science plan  
3919 as described in Subsection (7); and

3920 (b) the effective implementation of approved courses and the provision of effective  
3921 training opportunities for licensed teachers.

3922 (3) Subject to appropriations from the Legislature, and subject to the approval of the  
3923 talent [~~ready board~~] subcommittee, the state board shall distribute to local education agencies  
3924 money appropriated for the grant program in accordance with this section.

3925 (4) The state board shall:

3926 (a) solicit applications from local education agency boards to receive grant money  
3927 under the grant program;

3928 (b) make recommendations to the talent [~~ready board~~] subcommittee regarding the  
3929 awarding of grant money to a local education agency board on behalf of a local education  
3930 agency based on the criteria described in Subsection (6); and

3931 (c) obtain final approval from the talent [~~ready board~~] subcommittee before awarding

3932 grant money.

3933 (5) In administering the Computer Science for Utah Grant Program, the state board and  
3934 the office, in consultation with the talent [~~ready board~~] subcommittee, may make rules, in  
3935 accordance with this part and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

3936 (a) describe the form and deadlines for a grant application by a local education agency  
3937 under this section; and

3938 (b) describe the reporting requirements required by a local education agency after  
3939 receiving a grant under this section.

3940 (6) In awarding a grant under Subsection (3), the state board shall consider the  
3941 effectiveness of the local education agency in creating and implementing a local education  
3942 agency computer science plan as described in Subsection (7).

3943 (7) Each local education agency that seeks a grant as described in this section shall  
3944 submit a written computer science plan, in a form approved by the state board and the talent  
3945 [~~ready board~~] subcommittee, that:

3946 (a) covers at least four years;

3947 (b) addresses the recommendations of the talent [~~ready board's~~] subcommittee's  
3948 computer science education master plan described in Section [~~63N-12-505~~] [63N-1b-304](#);

3949 (c) identifies targets for improved computer science offerings, student learning, and  
3950 licensed teacher training;

3951 (d) describes a computer science professional development program and other  
3952 opportunities for high quality professional learning for licensed teachers or individuals training  
3953 to become licensed teachers;

3954 (e) provides a detailed budget, communications, and reporting structure for  
3955 implementing the computer science plan;

3956 (f) commits to provide one computer science course offering, approved by the talent  
3957 [~~ready board~~] subcommittee, in every middle and high school within the local education  
3958 agency;

3959 (g) commits to integrate computer science education into the curriculum of each  
3960 elementary school within the local education agency; and

3961 (h) includes any other requirement established by the state board or the office by rule,  
3962 in consultation with the talent [~~ready board~~] subcommittee, in accordance with this part and

3963 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

3964 (8) Each local education agency that receives a grant as described in this section shall  
3965 provide an annual written assessment to the state board and the talent [~~ready board~~]  
3966 subcommittee for each year that the local education agency receives a grant or expends grant  
3967 money that includes:

3968 (a) how the grant money was used;

3969 (b) any improvements in the number and quality of computer science offerings  
3970 provided by the local education agency and any increase in the number of licensed teachers  
3971 providing computer science teaching to students;

3972 (c) any difficulties encountered during implementation of the local education agency's  
3973 written computer science plan and steps that will be taken to address the difficulties; and

3974 (d) any other requirement established by the state board or the office by rule, in  
3975 consultation with the talent [~~ready board~~] subcommittee, in accordance with this part and Title  
3976 63G, Chapter 3, Utah Administrative Rulemaking Act.

3977 (9) (a) The state board and the talent [~~ready board~~] subcommittee shall review each  
3978 annual written assessment described in Subsection (8).

3979 (b) As a result of the review described in Subsection (9)(a):

3980 (i) the state board or the talent [~~ready board~~] subcommittee may provide  
3981 recommendations to improve the progress of the local education agency in meeting the  
3982 objectives of the written computer science plan;

3983 (ii) the state board may determine not to renew or extend a grant under this section; or

3984 (iii) the state board or the talent [~~ready board~~] subcommittee may take other action to  
3985 assist the local education agency.

3986 Section 89. Section **63N-1b-306**, which is renumbered from Section 63N-12-507 is  
3987 renumbered and amended to read:

3988 [~~63N-12-507~~]. **63N-1b-306. Apprenticeships and work-based learning.**

3989 (1) The [~~center~~] talent program in collaboration with the talent [~~ready board~~]  
3990 subcommittee may partner with one or more of the following to facilitate and encourage  
3991 apprenticeship opportunities and work-based learning opportunities for Utah students:

3992 (a) the state board;

3993 (b) the Utah system of higher education; and

3994 (c) a participating employer in the state.

3995 (2) Subject to appropriations from the Legislature and in accordance with the proposal  
3996 process and other provisions of this section, the talent [~~ready board~~] subcommittee, with the  
3997 concurrence of the executive director, may provide funding for approved apprenticeship  
3998 opportunities and work-based learning opportunities.

3999 (3) To receive funding under this section, an entity described in Subsection (1) seeking  
4000 to partner with the [~~center~~] talent program shall submit a proposal through the [~~center~~] talent  
4001 program, in a form approved by the [~~center~~] talent program and in accordance with deadlines  
4002 determined by the [~~center~~] talent program, that contains the following elements:

4003 (a) the proposal shall include:

4004 (i) a description of the proposed apprenticeship program or work-based learning  
4005 program that demonstrates the program will be:

4006 (A) responsive to the workforce needs of a high demand industry or occupation; and

4007 (B) a partnership between at least one participating employer and at least one public  
4008 high school, technical college, or institution of higher education;

4009 (ii) an estimate of:

4010 (A) student enrollment in the program;

4011 (B) what school credit, credentials, certifications, or other workforce attainments will  
4012 be provided by the program; and

4013 (C) job-placement rates for students who complete the program;

4014 (iii) a description of any financial contributions or in-kind contributions that will be  
4015 provided by each participating employer in the program;

4016 (iv) if the program would require state board approval under the provisions of Section  
4017 [53B-16-102](#), evidence that the state board has approved the program; and

4018 (v) the amount of funding requested for the program, including justification for the  
4019 funding; and

4020 (b) while not required, a preference may be given to a proposal that includes:

4021 (i) a description of a stackable credentialing pathway for participating students that will  
4022 be created by the program between at least two of the following:

4023 (A) a public high school;

4024 (B) a technical college; and

- 4025 (C) an institution of higher education; or
- 4026 (ii) the potential for participating students to obtain full-time employment with the
- 4027 participating employer upon completion of the program.
- 4028 (4) The talent [~~ready board~~] subcommittee shall review and prioritize each proposal
- 4029 received and determine whether the proposal should be funded, using the following criteria:
- 4030 (a) the quality and completeness of the elements of the proposal described in
- 4031 Subsection (3)(a);
- 4032 (b) the quality of the optional elements of the proposal described in Subsection (3)(b);
- 4033 (c) to what extent the proposal would expand the capacity to meet state or regional
- 4034 workforce needs; and
- 4035 (d) other relevant criteria as determined by the talent [~~ready board~~] subcommittee.
- 4036 (5) A partnership that receives funding under this section:
- 4037 (a) shall use the money to accomplish the proposed apprenticeship program or
- 4038 work-based learning program;
- 4039 (b) may use the money to offset a participating employer's direct operational costs
- 4040 associated with employing students as part of an approved apprenticeship program or
- 4041 work-based learning program;
- 4042 (c) except as provided in Subsection (5)(d), may not use the money for educational
- 4043 administration; and
- 4044 (d) may use the money to support one full-time employee within a career and technical
- 4045 education region if:
- 4046 (i) each participating local education agency, public high school, technical college, and
- 4047 institution of higher education agree on which entity will house the full-time employee;
- 4048 (ii) the full-time employee spends all of the employee's time working exclusively to
- 4049 develop apprentice programs or work-based learning programs; and
- 4050 (iii) the full-time employee is responsible for regular reporting to and receiving training
- 4051 from the director of the [~~center~~] talent program.
- 4052 (6) The [~~center~~] talent program shall be responsible for the administration of
- 4053 apprenticeship programs and work-based learning programs described in this section,
- 4054 including:
- 4055 (a) working with and providing technical assistance to the participating partners that

4056 establish apprentice programs and work-based learning programs and that receive funding  
4057 under the provisions of this section;

4058 (b) establishing reporting requirements for participating partners that establish  
4059 apprentice programs and work-based learning programs and that receive funding under the  
4060 provisions of this section;

4061 (c) providing outreach and marketing to encourage more employers to participate; and

4062 (d) annually providing information to [GOED] the office regarding the activities,  
4063 successes, and challenges of the center related to administering apprentice programs and  
4064 work-based learning programs for inclusion in [GOED's] the office's annual written report  
4065 described in Section [~~63N-1-301~~] 63N-1a-306, including:

4066 (i) specific entities that received funding under this section;

4067 (ii) the amount of funding provided to each entity; and

4068 (iii) the number of participating students in each apprentice program and work-based  
4069 learning program.

4070 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and  
4071 the provisions of this section, the [~~center~~] talent program may make rules regarding:

4072 (a) the method and deadlines for applying for funding under this section;

4073 (b) the distribution of funding under this section; and

4074 (c) the reporting requirements of each entity receiving funding under this section.

4075 Section 90. Section ~~63N-1b-307~~, which is renumbered from Section 63N-12-508 is  
4076 renumbered and amended to read:

4077 ~~[63N-12-508].~~ 63N-1b-307. Utah Works Program.

4078 (1) There is created [~~within the center~~] the Utah Works Program.

4079 (2) The program, under the direction of [~~the center and~~] the talent [~~ready board~~]  
4080 subcommittee, shall coordinate and partner with the entities described below to develop  
4081 short-term pre-employment training and short-term early employment training for student and  
4082 workforce participants that meet the needs of businesses that are creating jobs and economic  
4083 growth in the state by:

4084 (a) partnering with the office, the Department of Workforce Services, and the Utah  
4085 system of higher education;

4086 (b) partnering with businesses that have significant hiring demands for primarily newly

4087 created jobs in the state;

4088 (c) coordinating with the Department of Workforce Services, education agencies, and  
4089 employers to create effective recruitment initiatives to attract student and workforce  
4090 participants and business participants to the program;

4091 (d) coordinating with the Utah system of higher education to develop educational and  
4092 training resources to provide student participants in the program qualifications to be hired by  
4093 business participants in the program; and

4094 (e) coordinating with the State Board of Education and local education agencies when  
4095 appropriate to develop educational and training resources to provide student participants in the  
4096 program qualifications to be hired by business participants in the program.

4097 (3) (a) Subject to appropriation, beginning on August 5, 2020, the office, in  
4098 consultation with the talent [~~ready board~~] subcommittee, may respond to the COVID-19  
4099 pandemic by directing financial grants to institutions of higher education described in Section  
4100 [53B-2-101](#) to offer short-term programs to:

4101 (i) provide training to furloughed, laid off, dislocated, underserved, or other  
4102 populations affected by COVID-19 to fill employment gaps in the state;

4103 (ii) provide training and education related to industry needs; and

4104 (iii) provide students with certificates or other recognition after completion of training.

4105 (b) (i) As soon as is practicable but on or before July 31, 2020, the office shall report to  
4106 the director of the Division of Finance about the grant program under this Subsection (3),  
4107 including:

4108 (A) the process by which the office shall determine which institutions of higher  
4109 education shall receive financial grants; and

4110 (B) the formula for awarding financial grants.

4111 (ii) The office shall:

4112 (A) participate in the presentation that the director of the Division of Finance provides  
4113 to the president of the Senate, the speaker of the House of Representatives, the minority leader  
4114 of the Senate, and the minority leader of the House of Representatives under Section  
4115 [63A-3-111](#); and

4116 (B) consider any recommendations for adjustments to the grant program from the  
4117 president of the Senate, the speaker of the House of Representatives, the minority leader of the

4118 Senate, and the minority leader of the House of Representatives.

4119 (c) To implement Subsection (3)(a), an institution of higher education that receives  
4120 grant funds:

4121 (i) may use grant funds for:

4122 (A) costs associated with developing a new program; or

4123 (B) costs associated with expanding an existing program; and

4124 (ii) shall demonstrate industry needs and opportunities for partnership with industry.

4125 (d) (i) The office shall award grant funds:

4126 (A) after an initial application period that ends on or before August 31, 2020; and

4127 (B) if funds remain after the initial application period, on a rolling basis until the  
4128 earlier of funds being exhausted or November 30, 2020.

4129 (ii) An institution of higher education that receives grant funds shall expend the grant  
4130 funds on or before December 1, 2020.

4131 (e) The ~~[center]~~ office shall conduct outreach, including education about career  
4132 guidance, training, and workforce programs, to the targeted populations.

4133 (4) The office, in consultation with the talent ~~[ready board]~~ subcommittee, may, in  
4134 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in accordance  
4135 with the provisions of this section, make rules regarding the development and administration of  
4136 the Utah Works Program.

4137 (5) The ~~[center]~~ Utah Works Program shall report the following metrics to the office  
4138 for inclusion in the office's annual report described in Section ~~[63N-1-301]~~ 63N-1a-306:

4139 (a) the number of participants in the program;

4140 (b) how program participants learned about or were referred to the program, including  
4141 the number of participants who learned about or were referred to the program by:

4142 (i) the Department of Workforce Services;

4143 (ii) marketing efforts of the ~~[center]~~ office or talent ~~[ready board]~~ subcommittee;

4144 (iii) a school counselor; and

4145 (iv) other methods;

4146 (c) the number of participants who have completed training offered by the program;

4147 and

4148 (d) the number of participants who have been hired by a business participating in the

4149 program.

4150 Section 91. Section **63N-2-103** is amended to read:

4151 **63N-2-103. Definitions.**

4152 As used in this part:

4153 (1) "Authority" means:

4154 (a) the Utah Inland Port Authority, created in Section [11-58-201](#); or

4155 (b) the Military Installation Development Authority, created in Section [63H-1-201](#).

4156 (2) "Authority project area" means a project area of:

4157 (a) the Utah Inland Port Authority, created in Section [11-58-201](#); or

4158 (b) the Military Installation Development Authority, created in Section [63H-1-201](#).

4159 (3) "Business entity" means a person that enters into an agreement with the office to

4160 initiate a new commercial project in Utah that will qualify the person to receive a tax credit

4161 under Section [59-7-614.2](#) or [59-10-1107](#).

4162 (4) "Community reinvestment agency" has the same meaning as that term is defined in

4163 Section [17C-1-102](#).

4164 (5) "Development zone" means an economic development zone created under Section

4165 [63N-2-104](#).

4166 (6) "Local government entity" means a county, city, town, or authority that enters into

4167 an agreement with the office to have a new commercial project that:

4168 (a) is initiated within:

4169 (i) the boundary of the county, city, or town; or

4170 (ii) an authority project area; and

4171 (b) qualifies the county, city, town, or authority to receive a tax credit under Section

4172 [59-7-614.2](#).

4173 (7) (a) "New commercial project" means an economic development opportunity that:

4174 (i) involves new or expanded industrial, manufacturing, distribution, or business

4175 services in [~~Utah.~~] the state; and

4176 (ii) advances the statewide economic development strategy.

4177 (b) "New commercial project" does not include retail business.

4178 (8) "Significant capital investment" means an amount of at least \$10,000,000 to

4179 purchase capital or fixed assets, which may include real property, personal property, and other

4180 fixtures related to a new commercial project:

4181 (a) that represents an expansion of existing operations in the state; or

4182 (b) that maintains or increases the business entity's existing work force in the state.

4183 (9) "Tax credit" means an economic development tax credit created by Section

4184 [59-7-614.2](#) or [59-10-1107](#).

4185 (10) "Tax credit amount" means the amount the office lists as a tax credit on a tax

4186 credit certificate for a taxable year.

4187 (11) "Tax credit certificate" means a certificate issued by the office that:

4188 (a) lists the name of the business entity, local government entity, or community

4189 development and renewal agency to which the office authorizes a tax credit;

4190 (b) lists the business entity's, local government entity's, or community development and

4191 renewal agency's taxpayer identification number;

4192 (c) lists the amount of tax credit that the office authorizes the business entity, local

4193 government entity, or community development and renewal agency for the taxable year; and

4194 (d) may include other information as determined by the office.

4195 Section 92. Section **63N-2-104** is amended to read:

4196 **63N-2-104. Creation of economic development zones -- Tax credits -- Assignment**  
4197 **of tax credit.**

4198 (1) The office~~[, with advice from the board,]~~ may create an economic development  
4199 zone in the state if the following requirements are satisfied:

4200 (a) the area is zoned commercial, industrial, manufacturing, business park, research  
4201 park, or other appropriate business related use in a community-approved master plan that  
4202 contemplates future growth;

4203 (b) the request to create a development zone has first been approved by an appropriate  
4204 local government entity; and

4205 (c) local incentives have been or will be committed to be provided within the area in  
4206 accordance with the community's approved incentive policy and application process.

4207 (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
4208 the office shall make rules establishing the requirements for a business entity or local  
4209 government entity to qualify for a tax credit for a new commercial project in a development  
4210 zone under this part.

4211 (b) The office shall ensure that the requirements described in Subsection (2)(a) include  
4212 the following:

4213 (i) the new commercial project is within the development zone;

4214 (ii) the new commercial project includes direct investment within the geographic  
4215 boundaries of the development zone;

4216 (iii) the new commercial project brings new incremental jobs to Utah;

4217 (iv) the new commercial project includes the creation of high paying jobs in the state,  
4218 significant capital investment in the state, or significant purchases from vendors, contractors, or  
4219 service providers in the state, or a combination of these three economic factors;

4220 (v) the new commercial project generates new state revenues; ~~and~~

4221 (vi) a business entity, a local government entity, or a community reinvestment agency  
4222 to which a local government entity assigns a tax credit under this section meets the  
4223 requirements of Section [63N-2-105](#)~~[-]; and~~

4224 (vii) unless otherwise advisable in light of economic circumstances, the new  
4225 commercial project relates to the industry clusters identified by the commission under Section  
4226 [63N-1a-202](#).

4227 (3) (a) The office, after consultation with the ~~board~~ GO Utah board, may enter into a  
4228 written agreement with a business entity or local government entity authorizing a tax credit to  
4229 the business entity or local government entity if the business entity or local government entity  
4230 meets the requirements described in this section.

4231 (b) (i) With respect to a new commercial project, the office may authorize a tax credit  
4232 to a business entity or a local government entity, but not both.

4233 (ii) In determining whether to authorize a tax credit with respect to a new commercial  
4234 project to a business entity or a local government entity, the office shall authorize the tax credit  
4235 in a manner that the office determines will result in providing the most effective incentive for  
4236 the new commercial project.

4237 ~~[(c) (i) Except as provided in Subsection (3)(c)(ii), the]~~

4238 (c) The office may not authorize or commit to authorize a tax credit that exceeds:

4239 ~~[(A)]~~ (i) 50% of the new state revenues from the new commercial project in any given  
4240 year; or

4241 ~~[(B)]~~ (ii) 30% of the new state revenues from the new commercial project over the

4242 lesser of the life of a new commercial project or 20 years.

4243 ~~[(ii) If the eligible business entity makes capital expenditures in the state of~~  
4244 ~~\$1,500,000,000 or more associated with a new commercial project, the office may:]~~

4245 ~~[(A) authorize or commit to authorize a tax credit not exceeding 60% of new state~~  
4246 ~~revenues over the lesser of the life of the project or 20 years, if the other requirements of this~~  
4247 ~~part are met;]~~

4248 ~~[(B) establish the year that state revenues and incremental jobs baseline data are~~  
4249 ~~measured for purposes of an incentive under this Subsection (3)(c)(ii); and]~~

4250 ~~[(C) offer an incentive under this Subsection (3)(c)(ii) or modify an existing incentive~~  
4251 ~~previously granted under Subsection (3)(c)(i) that is based on the baseline measurements~~  
4252 ~~described in Subsection (3)(c)(ii)(B), except that the incentive may not authorize or commit to~~  
4253 ~~authorize a tax credit of more than 60% of new state revenues in any one year.]~~

4254 (d) (i) A local government entity may by resolution assign a tax credit authorized by  
4255 the office to a community reinvestment agency.

4256 (ii) The local government entity shall provide a copy of the resolution described in  
4257 Subsection (3)(d)(i) to the office.

4258 (iii) If a local government entity assigns a tax credit to a community reinvestment  
4259 agency, the written agreement described in Subsection (3)(a) shall:

4260 (A) be between the office, the local government entity, and the community  
4261 reinvestment agency;

4262 (B) establish the obligations of the local government entity and the community  
4263 reinvestment agency; and

4264 (C) establish the extent to which any of the local government entity's obligations are  
4265 transferred to the community reinvestment agency.

4266 (iv) If a local government entity assigns a tax credit to a community reinvestment  
4267 agency:

4268 (A) the community reinvestment agency shall retain records as described in Subsection  
4269 (4)(d); and

4270 (B) a tax credit certificate issued in accordance with Section 63N-2-105 shall list the  
4271 community reinvestment agency as the named applicant.

4272 (4) The office shall ensure that the written agreement described in Subsection (3):

4273 (a) specifies the requirements that the business entity or local government entity shall  
4274 meet to qualify for a tax credit under this part;

4275 (b) specifies the maximum amount of tax credit that the business entity or local  
4276 government entity may be authorized for a taxable year and over the life of the new commercial  
4277 project;

4278 (c) establishes the length of time the business entity or local government entity may  
4279 claim a tax credit;

4280 (d) requires the business entity or local government entity to retain records supporting a  
4281 claim for a tax credit for at least four years after the business entity or local government entity  
4282 claims a tax credit under this part; and

4283 (e) requires the business entity or local government entity to submit to audits for  
4284 verification of the tax credit claimed.

4285 (5) The office may attribute an incremental job or a high paying job to a new  
4286 commercial project regardless of whether the job is performed in person, within the  
4287 development zone or remotely from elsewhere in the state.

4288 Section 93. Section **63N-2-105** is amended to read:

4289 **63N-2-105. Qualifications for tax credit -- Procedure.**

4290 (1) The office shall certify a business entity's or local government entity's eligibility for  
4291 a tax credit as provided in this part.

4292 (2) A business entity or local government entity seeking to receive a tax credit as  
4293 provided in this part shall provide the office with:

4294 (a) an application for a tax credit certificate, including a certification, by an officer of  
4295 the business entity, of any signature on the application;

4296 (b) (i) for a business entity, documentation of the new state revenues from the business  
4297 entity's new commercial project that were paid during [~~the preceding~~] a calendar year; or

4298 (ii) for a local government entity, documentation of the new state revenues from the  
4299 new commercial project within the area of the local government entity that were paid during  
4300 [~~the preceding~~] a calendar year;

4301 (c) known or expected detriments to the state or existing businesses in the state;

4302 (d) if a local government entity seeks to assign the tax credit to a community  
4303 reinvestment agency as described in Section **63N-2-104**, a statement providing the name and

4304 taxpayer identification number of the community reinvestment agency to which the local  
4305 government entity seeks to assign the tax credit;

4306 ~~[(e) (i) with respect to a business entity, a document that expressly directs and~~  
4307 ~~authorizes the State Tax Commission to disclose to the office the business entity's returns and~~  
4308 ~~other information that would otherwise be subject to confidentiality under Section 59-1-403 or~~  
4309 ~~Section 6103, Internal Revenue Code;]~~

4310 (e) (i) with respect to a business entity that seeks to claim a tax credit:

4311 (A) a document that expressly directs and authorizes the State Tax Commission to  
4312 disclose to the office the business entity's returns and other information that would otherwise  
4313 be subject to confidentiality under Section 59-1-403 or Section 6103, Internal Revenue Code;  
4314 and

4315 (B) a document that expressly directs and authorizes the Department of Workforce  
4316 Services to disclose to the office the business entity's unemployment insurance contribution  
4317 reports that would otherwise be subject to confidentiality under Section 35A-4-312;

4318 (ii) with respect to a local government entity that seeks to claim the tax credit:

4319 (A) a document that expressly directs and authorizes the State Tax Commission to  
4320 disclose to the office the local government entity's returns and other information that would  
4321 otherwise be subject to confidentiality under Section 59-1-403 or Section 6103, Internal  
4322 Revenue Code; and

4323 (B) if the new state revenues collected as a result of a new commercial project are  
4324 attributable in whole or in part to a new or expanded industrial, manufacturing, distribution, or  
4325 business service within a new commercial project within the area of the local government  
4326 entity, a document signed by an authorized representative of the new or expanded industrial,  
4327 manufacturing, distribution, or business service that:

4328 (I) expressly directs and authorizes the State Tax Commission to disclose to the office  
4329 the returns of the new or expanded industrial, manufacturing, distribution, or business service  
4330 and other information that would otherwise be subject to confidentiality under Section  
4331 59-1-403 or Section 6103, Internal Revenue Code; and

4332 (II) lists the taxpayer identification number of the new or expanded industrial,  
4333 manufacturing, distribution, or business service; or

4334 (iii) with respect to a local government entity that seeks to assign the tax credit to a

4335 community reinvestment agency:

4336 (A) a document signed by the members of the governing body of the community  
4337 reinvestment agency that expressly directs and authorizes the State Tax Commission to  
4338 disclose to the office the returns of the community reinvestment agency and other information  
4339 that would otherwise be subject to confidentiality under Section 59-1-403 or Section 6103,  
4340 Internal Revenue Code; and

4341 (B) if the new state revenues collected as a result of a new commercial project are  
4342 attributable in whole or in part to a new or expanded industrial, manufacturing, distribution, or  
4343 business service within a new commercial project within the community reinvestment agency,  
4344 a document signed by an authorized representative of the new or expanded industrial,  
4345 manufacturing, distribution, or business service that:

4346 (I) expressly directs and authorizes the State Tax Commission to disclose to the office  
4347 the returns of the new or expanded industrial, manufacturing, distribution, or business service  
4348 and other information that would otherwise be subject to confidentiality under Section  
4349 59-1-403 or Section 6103, Internal Revenue Code; and

4350 (II) lists the taxpayer identification number of the new or expanded industrial,  
4351 manufacturing, distribution, or business service; and

4352 (f) for a business entity only, documentation that the business entity has satisfied the  
4353 performance benchmarks outlined in the written agreement described in Subsection  
4354 63N-2-104(3)(a), ~~[including]~~ and as defined by rule made in accordance with Title 63G,  
4355 Chapter 3, Utah Administrative Rulemaking Act, including the creation of new:

4356 ~~[(i) the creation of new incremental jobs that are also high paying jobs;]~~

4357 ~~[(ii) significant capital investment;]~~

4358 ~~[(iii) significant purchases from Utah vendors and providers; or]~~

4359 ~~[(iv) a combination of these benchmarks.]~~

4360 (i) incremental jobs;

4361 (ii) high paying jobs; and

4362 (iii) state revenue.

4363 (3) (a) The office shall submit the documents described in Subsection (2)(e) to the  
4364 State Tax Commission.

4365 (b) Upon receipt of a document described in Subsection (2)(e), the State Tax

4366 Commission shall provide the office with the returns and other information requested by the  
4367 office that the State Tax Commission is directed or authorized to provide to the office in  
4368 accordance with Subsection (2)(e).

4369 (4) If, with respect to an agreement described in Subsection 63N-2-104(3)(a) between  
4370 the office and a business entity, the office identifies one of the following events, the office and  
4371 the business entity shall amend or the office may terminate the agreement:

4372 (a) a change in the business entity's organization resulting from a merger with or  
4373 acquisition of another entity located in the state;

4374 (b) a material increase in the business entity's retail operations that results in new state  
4375 revenue not subject to the incentive; or

4376 (c) an increase in the business entity's operations that:

4377 (i) is outside the scope of the agreement or outside the boundaries of a development  
4378 zone; and

4379 (ii) results in new state revenue not subject to the incentive.

4380 [~~4~~] (5) If, after review of the returns and other information provided by the State Tax  
4381 Commission, or after review of the ongoing performance of the business entity or local  
4382 government entity, the office determines that the returns and other information are inadequate  
4383 to provide a reasonable justification for authorizing or continuing a tax credit, the office shall:

4384 (a) (i) deny the tax credit; or

4385 (ii) terminate the agreement described in Subsection 63N-2-104(3)(a) for failure to  
4386 meet the performance standards established in the agreement; or

4387 (b) inform the business entity or local government entity that the returns or other  
4388 information were inadequate and ask the business entity or local government entity to submit  
4389 new documentation.

4390 [~~5~~] (6) If after review of the returns and other information provided by the State Tax  
4391 Commission, the office determines that the returns and other information provided by the  
4392 business entity or local government entity provide reasonable justification for authorizing a tax  
4393 credit, the office shall, based upon the returns and other information:

4394 (a) determine the amount of the tax credit to be granted to the business entity, local  
4395 government entity, or if the local government entity assigns the tax credit as described in  
4396 Section 63N-2-104, to the community reinvestment agency to which the local government

4397 entity assigns the tax credit;

4398 (b) issue a tax credit certificate to the business entity, local government entity, or if the  
4399 local government entity assigns the tax credit as described in Section [63N-2-104](#), to the  
4400 community reinvestment agency to which the local government entity assigns the tax credit;  
4401 and

4402 (c) provide a [~~duplicate copy~~] digital record of the tax credit certificate to the State Tax  
4403 Commission.

4404 (7) (a) For purposes of determining the amount of a business entity's tax credit in  
4405 accordance with this section, the office may establish by rule made in accordance with Title  
4406 63G, Chapter 3, Utah Administrative Rulemaking Act, a process by which the office closely  
4407 approximates the amount of taxes the business entity paid under Title 59, Chapter 12, Sales and  
4408 Use Tax Act, for a capital project.

4409 (b) The office may apply a process described in Subsection (7)(a) to a business entity  
4410 only with respect to a new agreement described in Subsection [63N-2-104](#)(3)(a) that takes effect  
4411 on or after January 1, 2022.

4412 [~~(6)~~] (8) A business entity, local government entity, or community reinvestment agency  
4413 may not claim a tax credit unless the business entity, local government entity, or community  
4414 reinvestment agency has a tax credit certificate issued by the office.

4415 [~~(7)~~] (9) (a) A business entity, local government entity, or community reinvestment  
4416 agency may claim a tax credit in the amount listed on the tax credit certificate on its tax return.

4417 (b) A business entity, local government entity, or community reinvestment agency that  
4418 claims a tax credit under this section shall retain the tax credit certificate in accordance with  
4419 Section [59-7-614.2](#) or [59-10-1107](#).

4420 Section 94. Section [63N-2-106](#) is amended to read:

4421 **[63N-2-106. Reports -- Posting monthly and annual reports -- Audit and study of](#)**  
4422 **tax credits.**

4423 (1) The office shall include the following information in the annual written report  
4424 described in Section [~~63N-1-301~~] [63N-1a-306](#):

4425 (a) the office's success in attracting new commercial projects to development zones  
4426 under this part and the corresponding increase in new incremental jobs;

4427 (b) how many new incremental jobs and high paying jobs are employees of a company

4428 that received tax credits under this part, including the number of employees who work for a  
4429 third-party rather than directly for a company, receiving the tax credits under this part;

4430 (c) the estimated amount of tax credit commitments made by the office and the period  
4431 of time over which tax credits will be paid;

4432 (d) the economic impact on the state from new state revenues and the provision of tax  
4433 credits under this part;

4434 (e) the estimated costs and economic benefits of the tax credit commitments made by  
4435 the office;

4436 (f) the actual costs and economic benefits of the tax credit commitments made by the  
4437 office; and

4438 (g) tax credit commitments made by the office, with the associated calculation.

4439 (2) Each month, the office shall post on its website and on a state website:

4440 (a) the new tax credit commitments made by the office during the previous month; and  
4441 (b) the estimated costs and economic benefits of those tax credit commitments.

4442 (3) (a) On or before November 1, 2014, and every three years after November 1, 2014,  
4443 the office shall:

4444 (i) conduct an audit of the tax credits allowed under Section 63N-2-105;  
4445 (ii) study the tax credits allowed under Section 63N-2-105; and  
4446 (iii) make recommendations concerning whether the tax credits should be continued,  
4447 modified, or repealed.

4448 (b) The audit shall include an evaluation of:

4449 (i) the cost of the tax credits;  
4450 (ii) the purposes and effectiveness of the tax credits;  
4451 (iii) the extent to which the state benefits from the tax credits; and  
4452 (iv) the state's return on investment under this part measured by new state revenues,  
4453 compared with the costs of tax credits provided and GOED's expenses in administering this  
4454 part.

4455 (c) The office shall provide the results of the audit described in this Subsection (3):  
4456 (i) in the written annual report described in Subsection (1); and  
4457 (ii) as part of the reviews described in Sections 59-7-159 and 59-10-137.

4458 Section 95. Section 63N-2-107 is amended to read:

4459           **63N-2-107. Reports of new state revenues, partial rebates, and tax credits.**

4460           (1) Before October 1 of each year, the office shall submit a report to the Governor's  
4461 Office of Management and Budget, the Office of Legislative Fiscal Analyst, and the Division  
4462 of Finance identifying:

4463           (a) (i) the total estimated amount of new state revenues created from new commercial  
4464 projects in development zones;

4465           (ii) the estimated amount of new state revenues from new commercial projects in  
4466 development zones that will be generated from:

4467           (A) sales tax;

4468           (B) income tax; and

4469           (C) corporate franchise and income tax; and

4470           (iii) the minimum number of new incremental jobs and high paying jobs that will be  
4471 created before any tax credit is awarded; and

4472           (b) the total estimated amount of tax credits that the office projects that business  
4473 entities, local government entities, or community reinvestment agencies will qualify to claim  
4474 under this part.

4475           (2) By the first business day of each month, the office shall submit a report to the  
4476 Governor's Office of Management and Budget, the Office of Legislative Fiscal Analyst, and the  
4477 Division of Finance identifying:

4478           (a) each new agreement entered into by the office since the last report;

4479           (b) the estimated amount of new state revenues that will be generated under each  
4480 agreement;

4481           (c) the estimated maximum amount of tax credits that a business entity, local  
4482 government entity, or community reinvestment agency could qualify for under each agreement;  
4483 and

4484           (d) the minimum number of new incremental jobs and high paying jobs that will be  
4485 created before any tax credit is awarded.

4486           (3) At the reasonable request of the Governor's Office of Management and Budget, the  
4487 Office of Legislative Fiscal Analyst, or the Division of Finance, the office shall provide  
4488 additional information about the tax credit, new incremental jobs and high paying jobs, costs,  
4489 and economic benefits related to this part, if the information is part of a public record as

4490 defined in Section [63G-2-103](#).

4491 (4) By June 30, the office shall submit to the Economic Development and Workforce  
4492 Services Interim Committee, the Business, Economic Development, and Labor Appropriations  
4493 Subcommittee, and the governor, a written report that provides an overview of the  
4494 implementation and efficacy of the statewide economic development strategy, including an  
4495 analysis of the extent to which the office's programs are aligned with the prevailing economic  
4496 conditions expected in the next fiscal year.

4497 Section 96. Section **63N-2-203** is amended to read:

4498 **63N-2-203. Powers of the office.**

4499 The office shall:

4500 (1) monitor the implementation and operation of this part and conduct a continuing  
4501 evaluation of the progress made in the enterprise zones;

4502 (2) evaluate an application for designation as an enterprise zone from a county  
4503 applicant or a municipal applicant and determine if the applicant qualifies for that designation;

4504 (3) provide technical assistance to county applicants and municipal applicants in  
4505 developing applications for designation as enterprise zones;

4506 (4) assist county applicants and municipal applicants designated as enterprise zones in  
4507 obtaining assistance from the federal government and agencies of the state;

4508 (5) assist a qualified business entity in obtaining the benefits of an incentive or  
4509 inducement program authorized by this part; and

4510 (6) as part of the annual written report described in Section [~~63N-1-301~~] [63N-1-306](#),  
4511 prepare an annual evaluation that provides:

4512 (a) based on data from the State Tax Commission, the total amount of tax credits  
4513 claimed under this part;

4514 (b) the total amount awarded in tax credits for each development zone;

4515 (c) the number of new full-time employee positions reported to obtain tax credits in  
4516 each development zone;

4517 (d) the amount of tax credits awarded for rehabilitating a building in each development  
4518 zone;

4519 (e) the amount of tax credits awarded for investing in a plant, equipment, or other  
4520 depreciable property in each development zone; and

4521 (f) recommendations regarding the effectiveness of the program and any suggestions  
4522 for legislation.

4523 Section 97. Section **63N-2-213** is amended to read:

4524 **63N-2-213. State tax credits.**

4525 (1) The office shall certify a business entity's eligibility for a tax credit described in this  
4526 section.

4527 (2) A business entity seeking to receive a tax credit as provided in this section shall  
4528 provide the office with:

4529 (a) an application for a tax credit certificate in a form approved by the office, including  
4530 a certification, by an officer of the business entity, of a signature on the application; and

4531 (b) documentation that demonstrates the business entity has met the requirements to  
4532 receive the tax credit.

4533 (3) If, after review of an application and documentation provided by a business entity  
4534 as described in Subsection (2), the office determines that the application and documentation are  
4535 inadequate to provide a reasonable justification for authorizing the tax credit, the office shall:

4536 (a) deny the tax credit; or

4537 (b) inform the business entity that the application or documentation was inadequate  
4538 and ask the business entity to submit additional documentation.

4539 (4) If, after review of an application and documentation provided by a business entity  
4540 as described in Subsection (2), the office determines that the application and documentation  
4541 provide reasonable justification for authorizing a tax credit, the office shall:

4542 (a) determine the amount of the tax credit to be granted to the business entity;

4543 (b) issue a tax credit certificate to the business entity; and

4544 (c) provide a [~~duplicate copy~~] digital record of the tax credit certificate to the State Tax  
4545 Commission.

4546 (5) A business entity may not claim a tax credit under this section unless the business  
4547 entity has a tax credit certificate issued by the office.

4548 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
4549 office shall make rules describing:

4550 (a) the form and content of an application for a tax credit under this section;

4551 (b) the documentation requirements for a business entity to receive a tax credit

4552 certificate under this section; and

4553 (c) administration of the program, including relevant timelines and deadlines.

4554 (7) Subject to the limitations of Subsections (8) through (10), and if the requirements  
4555 of this part are met, the following nonrefundable tax credits against a tax under Title 59,  
4556 Chapter 7, Corporate Franchise and Income Taxes, or Title 59, Chapter 10, Individual Income  
4557 Tax Act, are applicable in an enterprise zone:

4558 (a) a tax credit of \$750 may be claimed by a business entity for each new full-time  
4559 employee position created within the enterprise zone;

4560 (b) an additional \$500 tax credit may be claimed if the new full-time employee position  
4561 created within the enterprise zone pays at least 125% of:

4562 (i) the county average monthly nonagricultural payroll wage for the respective industry  
4563 as determined by the Department of Workforce Services; or

4564 (ii) if the county average monthly nonagricultural payroll wage is not available for the  
4565 respective industry, the total average monthly nonagricultural payroll wage in the respective  
4566 county where the enterprise zone is located;

4567 (c) an additional tax credit of \$750 may be claimed if the new full-time employee  
4568 position created within the enterprise zone is in a business entity that adds value to agricultural  
4569 commodities through manufacturing or processing;

4570 (d) an additional tax credit of \$200 may be claimed for each new full-time employee  
4571 position created within the enterprise zone that is filled by an employee who is insured under  
4572 an employer-sponsored health insurance program if the employer pays at least 50% of the  
4573 premium cost for the year for which the credit is claimed;

4574 (e) a tax credit of 25% of the first \$200,000 spent on rehabilitating a building in the  
4575 enterprise zone that has been vacant for two years or more, including that the building has had  
4576 or contained no occupants, tenants, furniture, or personal property for two years or more, in the  
4577 time period immediately before the rehabilitation; and

4578 (f) an annual investment tax credit may be claimed in an amount equal to 5% of the first  
4579 \$750,000 qualifying investment in plant, equipment, or other depreciable property.

4580 (8) (a) Subject to the limitations of Subsection (8)(b), a business entity claiming a tax  
4581 credit under Subsections (7)(a) through (d) may claim the tax credit for no more than 30  
4582 full-time employee positions in a taxable year.

4583 (b) A business entity that received a tax credit for one or more new full-time employee  
4584 positions under Subsections (7)(a) through (d) in a prior taxable year may claim a tax credit for  
4585 a new full-time employee position in a subsequent taxable year under Subsections (7)(a)  
4586 through (d) if:

4587 (i) the business entity has created a new full-time position within the enterprise zone;  
4588 and

4589 (ii) the total number of employee positions at the business entity at any point during the  
4590 tax year for which the tax credit is being claimed is greater than the highest number of  
4591 employee positions that existed at the business entity in the previous taxable year.

4592 (c) Construction jobs are not eligible for the tax credits under Subsections (7)(a)  
4593 through (d).

4594 (9) If the amount of a tax credit under this section exceeds a business entity's tax  
4595 liability under this chapter for a taxable year, the business entity may carry forward the amount  
4596 of the tax credit exceeding the liability for a period that does not exceed the next three taxable  
4597 years.

4598 (10) Tax credits under Subsections (7)(a) through (f) may not be claimed by a business  
4599 entity primarily engaged in retail trade, residential rental property, or by a public utilities  
4600 business.

4601 (11) A business entity that has no employees:

4602 (a) may not claim tax credits under Subsections (7)(a) through (d); and

4603 (b) may claim tax credits under Subsections (7)(e) through (f).

4604 (12) (a) A business entity may not claim or carry forward a tax credit available under  
4605 this part for a taxable year during which the business entity has claimed the targeted business  
4606 income tax credit available under Section [63N-2-304](#).

4607 (b) A business entity may not claim or carry forward a tax credit available under this  
4608 section for a taxable year during which the business entity claims or carries forward a tax credit  
4609 available under Section [59-7-610](#) or [59-10-1007](#).

4610 (13) (a) On or before November 30, 2018, and every three years after 2018, the  
4611 Revenue and Taxation Interim Committee shall review the tax credits provided by this section  
4612 and make recommendations concerning whether the tax credits should be continued, modified,  
4613 or repealed.

4614 (b) In conducting the review required by Subsection (13)(a), the Revenue and Taxation  
4615 Interim Committee shall:

- 4616 (i) schedule time on at least one committee agenda to conduct the review;
- 4617 (ii) invite state agencies, individuals, and organizations concerned with the credits  
4618 under review to provide testimony;
- 4619 (iii) ensure that the recommendations described in this section include an evaluation of:  
4620 (A) the cost of the tax credits to the state;  
4621 (B) the purpose and effectiveness of the tax credits; and  
4622 (C) the extent to which the state benefits from the tax credits; and
- 4623 (iv) undertake other review efforts as determined by the chairs of the Revenue and  
4624 Taxation Interim Committee.

4625 Section 98. Section **63N-2-303** is amended to read:

4626 **63N-2-303. Duties of the office.**

4627 The office shall:

- 4628 (1) monitor the implementation and operation of this part and conduct a continuing  
4629 evaluation of the effectiveness of the targeted business income tax credit in bringing significant  
4630 new employment and significant new capital development to rural communities;
- 4631 (2) determine a business entity's eligibility for a targeted business income tax credit  
4632 award;
- 4633 (3) ensure that tax credits are only awarded under this part to a business applicant that  
4634 has satisfied performance benchmarks as determined by the office;
- 4635 (4) ensure that the amount of targeted business income tax credit awarded to a business  
4636 applicant through a targeted business income tax credit eligibility certificate is no more than  
4637 \$100,000 for the business applicant's taxable year;
- 4638 (5) ensure that the aggregate amount of targeted business income tax credits awarded to  
4639 business applicants through targeted business income tax credit eligibility certificates is no  
4640 more than \$300,000 for each fiscal year;
- 4641 (6) as part of the annual written report described in Section [~~63N-1-301~~] [63N-1a-306](#),  
4642 prepare an annual evaluation that provides:
  - 4643 (a) the identity of each business applicant that was provided a targeted business income  
4644 tax credit eligibility certificate by the office during the year of the annual report; and

- 4645 (b) the total amount awarded in targeted business income tax credit for each
- 4646 development zone; and
- 4647 (7) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
- 4648 in accordance with the provisions of this part, make rules regarding:
- 4649 (a) the determination of what constitutes:
- 4650 (i) significant new employment;
- 4651 (ii) significant new capital development; and
- 4652 (iii) a community investment project;
- 4653 (b) the form and content of an application for a targeted business income tax credit
- 4654 eligibility certificate under this part;
- 4655 (c) documentation or other requirements for a business applicant to receive a targeted
- 4656 business income tax credit eligibility certificate under this part; and
- 4657 (d) administration of targeted business income tax credit awards and the issuing of
- 4658 targeted business income tax credit eligibility certificates, including relevant timelines and
- 4659 deadlines.

4660 Section 99. Section **63N-2-503** is amended to read:

4661 **63N-2-503. Agreement for development of new convention hotel -- Convention**  
4662 **incentive authorized -- Agreement requirements.**

- 4663 (1) The office, with the board's advice, may enter into an agreement with a qualified
- 4664 hotel owner or a host local government:
- 4665 (a) for the development of a qualified hotel; and
- 4666 (b) to authorize a convention incentive:
- 4667 (i) to the qualified hotel owner or host local government, but not both;
- 4668 (ii) for a period not to exceed the eligibility period;
- 4669 (iii) in the amount of new tax revenue, subject to Subsection (2) and notwithstanding
- 4670 any other restriction provided by law;
- 4671 (iv) if:
- 4672 (A) the county in which the qualified hotel is proposed to be located has issued an
- 4673 endorsement letter endorsing the qualified hotel owner; and
- 4674 (B) all applicable requirements of this part and the agreement are met; and
- 4675 (v) that is reduced by \$1,900,000 per year during the first two years of the eligibility

4676 period, as described in Subsection (2)(c).

4677 (2) An agreement under Subsection (1) shall:

4678 (a) specify the requirements for the qualified hotel owner or host local government to  
4679 qualify for a convention incentive;

4680 (b) require compliance with the terms of the endorsement letter issued by the county in  
4681 which the qualified hotel is proposed to be located;

4682 (c) require the amount of certified claims for the first two years of the eligibility period  
4683 to be reduced by \$1,900,000 per year;

4684 (d) with respect to the state portion of the convention incentive:

4685 (i) specify the maximum dollar amount that the qualified hotel owner or host local  
4686 government may receive, subject to a maximum of:

4687 (A) for any calendar year, the amount of the state portion in that calendar year; and

4688 (B) \$75,000,000 in the aggregate for the qualified hotel owner or host local  
4689 government during an eligibility period, calculated as though the two \$1,900,000 reductions of  
4690 the [~~tax credit~~] convention incentive amount under Subsection (1)(b)(iv) had not occurred; and

4691 (ii) specify the maximum percentage of the state portion that may be used in  
4692 calculating the portion of the convention incentive that the qualified hotel owner or host local  
4693 government may receive during the eligibility period for each calendar year and in the  
4694 aggregate;

4695 (e) establish a shorter period of time than the period described in Subsection  
4696 [63N-2-502\(10\)\(a\)](#) during which the qualified hotel owner or host local government may claim  
4697 the convention incentive or that the host agency may be paid incremental property tax revenue,  
4698 if the office and qualified hotel owner or host local government agree to a shorter period of  
4699 time;

4700 (f) require the qualified hotel owner to retain books and records supporting a claim for  
4701 the convention incentive as required by Section [59-1-1406](#);

4702 (g) allow the transfer of the agreement to a third party if the third party assumes all  
4703 liabilities and responsibilities in the agreement;

4704 (h) limit the expenditure of funds received under the convention incentive as provided  
4705 in Section [63N-2-512](#); and

4706 (i) require the qualified hotel owner or host local government to submit to any audit

4707 and to provide any audit level [~~attestation~~] review or other level of review the office considers  
4708 appropriate for verification of any claim.

4709 (3) Notwithstanding any other provision of law, a county or city in which a qualified  
4710 hotel is located may contribute property to the qualified hotel owner or host local government  
4711 without consideration, to be used as provided in Subsection 63N-2-508(3)(a).

4712 Section 100. Section 63N-2-504 is amended to read:

4713 **63N-2-504. Independent review committee.**

4714 (1) In accordance with rules adopted by the office under Section 63N-2-509, the  
4715 [~~board~~] GO Utah board shall establish a separate, independent review committee to provide  
4716 recommendations to the office regarding the terms and conditions of an agreement and to  
4717 consult with the office as provided in this part or in rule.

4718 (2) The review committee shall consist of:

4719 (a) one member appointed by the executive director to represent the office;

4720 (b) two members appointed by the mayor or chief executive of the county in which the  
4721 qualified hotel is located or proposed to be located;

4722 (c) two members appointed by:

4723 (i) the mayor of the municipality in which the qualified hotel is located or proposed to  
4724 be located, if the qualified hotel is located or proposed to be located within the boundary of a  
4725 municipality; or

4726 (ii) the mayor or chief executive of the county in which the qualified hotel is located or  
4727 proposed to be located, in addition to the two members appointed under Subsection (2)(b), if  
4728 the qualified hotel is located or proposed to be located outside the boundary of a municipality;

4729 (d) an individual representing the hotel industry, appointed by the Utah Hotel and  
4730 Lodging Association;

4731 (e) an individual representing the commercial development and construction industry,  
4732 appointed by the president or chief executive officer of the local chamber of commerce;

4733 (f) an individual representing the convention and meeting planners industry, appointed  
4734 by the president or chief executive officer of the local convention and visitors bureau; and

4735 (g) one member appointed by the [~~board~~] GO Utah board.

4736 (3) (a) A member serves an indeterminate term and may be removed from the review  
4737 committee by the appointing authority at any time.

4738 (b) A vacancy may be filled in the same manner as an appointment under Subsection  
4739 (2).

4740 (4) A member of the review committee may not be paid for serving on the review  
4741 committee and may not receive per diem or expense reimbursement.

4742 (5) The office shall provide any necessary staff support to the review committee.  
4743 Section 101. Section **63N-2-510** is amended to read:

4744 **63N-2-510. Report by office -- Posting of report.**

4745 (1) The office shall include the following information in the office's annual written  
4746 report described in Section [~~63N-1-301~~] [63N-1a-306](#):

4747 (a) the state's success in attracting new conventions and corresponding new state  
4748 revenue;

4749 (b) the estimated amount of convention incentive commitments and the associated  
4750 calculation made by the office and the period of time over which convention incentives are  
4751 expected to be paid;

4752 (c) the economic impact on the state related to generating new state revenue and  
4753 providing convention incentives; and

4754 (d) the estimated and actual costs and economic benefits of the convention incentive  
4755 commitments that the office made.

4756 (2) Upon the commencement of the construction of a qualified hotel, the office shall  
4757 send a written notice to the Division of Finance:

4758 (a) referring to the two annual deposits required under Subsection [59-12-103\(11\)](#); and

4759 (b) notifying the Division of Finance that construction on the qualified hotel has begun.

4760 Section 102. Section **63N-2-512** is amended to read:

4761 **63N-2-512. Hotel Impact Mitigation Fund.**

4762 (1) As used in this section:

4763 (a) "Affected hotel" means a hotel built in the state before July 1, 2014.

4764 (b) "Direct losses" means affected hotels' losses of hotel guest business attributable to  
4765 the qualified hotel room supply being added to the market in the state.

4766 (c) "Mitigation fund" means the Hotel Impact Mitigation Fund, created in Subsection

4767 (2).

4768 (2) There is created an expendable special revenue fund known as the Hotel Impact

4769 Mitigation Fund.

4770 (3) The mitigation fund shall:

4771 (a) be administered by the [board] GO Utah board;

4772 (b) earn interest; and

4773 (c) be funded by:

4774 (i) payments required to be deposited into the mitigation fund by the Division of

4775 Finance under Subsection 59-12-103(11);

4776 (ii) money required to be deposited into the mitigation fund under Subsection

4777 17-31-9(2) by the county in which a qualified hotel is located; and

4778 (iii) any money deposited into the mitigation fund under Subsection (6).

4779 (4) Interest earned by the mitigation fund shall be deposited into the mitigation fund.

4780 (5) (a) In accordance with office rules, the [board] GO Utah board shall annually pay

4781 up to \$2,100,000 of money in the mitigation fund:

4782 (i) to affected hotels;

4783 (ii) for four consecutive years, beginning 12 months after the date of initial occupancy

4784 of the qualified hotel occurs; and

4785 (iii) to mitigate direct losses.

4786 (b) (i) If the amount the [board] GO Utah board pays under Subsection (5)(a) in any

4787 year is less than \$2,100,000, the [board] GO Utah board shall pay to the Stay Another Day and

4788 Bounce Back Fund, created in Section 63N-2-511, the difference between \$2,100,000 and the

4789 amount paid under Subsection (5)(a).

4790 (ii) The [board] GO Utah board shall make any required payment under Subsection

4791 (5)(b)(i) within 90 days after the end of the year for which a determination is made of how

4792 much the [board] GO Utah board is required to pay to affected hotels under Subsection (5)(a).

4793 (6) A host local government or qualified hotel owner may make payments to the

4794 Division of Finance for deposit into the mitigation fund.

4795 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

4796 office shall, in consultation with the Utah Hotel and Lodging Association and the county in

4797 which the qualified hotel is located, make rules establishing procedures and criteria governing

4798 payments under Subsection (5)(a) to affected hotels.

4799 Section 103. Section **63N-2-808** is amended to read:

4800           **63N-2-808. Agreements between office and tax credit applicant and life science**  
4801 **establishment -- Tax credit certificate.**

4802           (1) (a) The office, with advice from the ~~[board]~~ GO Utah board, may enter into an  
4803 agreement to grant a tax credit certificate to a tax credit applicant selected in accordance with  
4804 this part, if the tax credit applicant meets the conditions established in the agreement and under  
4805 this part.

4806           (b) The agreement described in Subsection (1)(a) shall:

4807           (i) detail the requirements that the tax credit applicant shall meet prior to receiving a  
4808 tax credit certificate;

4809           (ii) require the tax credit certificate recipient to retain records supporting a claim for a  
4810 tax credit for at least four years after the tax credit certificate recipient claims a tax credit under  
4811 this part; and

4812           (iii) require the tax credit certificate recipient to submit to audits for verification of the  
4813 tax credit claimed, including audits by the office and by the State Tax Commission.

4814           (2) (a) The office, with advice from the ~~[board]~~ GO Utah board, shall enter into an  
4815 agreement with the life science establishment in which the tax credit applicant invested for  
4816 purposes of claiming a tax credit.

4817           (b) The agreement described in Subsection (2)(a):

4818           (i) shall provide the office with a document that expressly and directly authorizes the  
4819 State Tax Commission to disclose to the office the life science establishment's tax returns and  
4820 other information that would otherwise be subject to confidentiality under Section [59-1-403](#) or  
4821 Section 6103, Internal Revenue Code;

4822           (ii) shall authorize the Department of Workforce Services to disclose to the office the  
4823 employment data that the life science establishment submits to the Department of Workforce  
4824 Services;

4825           (iii) shall require the life science establishment to provide the office with the life  
4826 science establishment's current capitalization tables; and

4827           (iv) may require the life science establishment to provide the office with other data  
4828 that:

4829           (A) ensure compliance with the requirements of this chapter; and

4830           (B) demonstrate the economic impact of the tax credit applicant's investment in the life

4831 science establishment.

4832 Section 104. Section **63N-2-810** is amended to read:

4833 **63N-2-810. Reports on tax credit certificates.**

4834 The office shall include the following information in the annual written report described  
4835 in Section [~~63N-1-301~~] 63N-4-106:

4836 (1) the total amount listed on tax credit certificates the office issues under this part;

4837 (2) the criteria that the office uses in prioritizing the issuance of tax credits amongst tax  
4838 credit applicants under this part; and

4839 (3) the economic impact on the state related to providing tax credits under this part.

4840 Section 105. Section **63N-3-102** is amended to read:

4841 **63N-3-102. Definitions.**

4842 As used in this part:

4843 (1) "Administrator" means the executive director or the executive director's designee.

4844 [~~(2) "Best available control technology" means a pollution control method that is  
4845 approved by the United States Environmental Protection Agency or the Department of  
4846 Environmental Quality to control a certain pollutant type to a specified degree.]~~

4847 [~~(3) "Company creating an economic impediment" means a company that discourages  
4848 economic development within a reasonable radius of its location because of:]~~

4849 [~~(a) odors;~~]

4850 [~~(b) noise;~~]

4851 [~~(c) pollution;~~]

4852 [~~(d) health hazards; or]~~

4853 [~~(e) other activities similar to those described in Subsections (3)(a) through (d).]~~

4854 [(4)] (2) "Economic opportunities" means unique business situations or community  
4855 circumstances, including the development of recreation infrastructure and the promotion of the  
4856 high tech sector in the state, which lend themselves to the furtherance of the economic interests  
4857 of the state by providing a catalyst or stimulus to the growth or retention, or both, of commerce  
4858 and industry in the state, including retention of companies whose relocation outside the state  
4859 would have a significant detrimental economic impact on the state as a whole, regions of the  
4860 state, or specific components of the state as determined by the [board] GO Utah board.

4861 [(5) "Economically disadvantaged rural area" means a geographic area designated by

4862 the board under Section ~~63N-3-111.~~]

4863 [~~(6) "Nonattainment area" means a part of the state where air quality is determined to~~  
4864 ~~exceed the National Ambient Air Quality Standards, as defined in the Clean Air Act~~  
4865 ~~Amendments of 1970, Pub. L. No. 91-604, Sec. 109, for fine particulate matter (PM 2.5).]~~

4866 [~~(7) "Replacement company" means a company locating its business or part of its~~  
4867 ~~business in a location vacated by a company creating an economic impediment.]~~

4868 [~~(8)~~ (3) "Restricted Account" means the restricted account known as the Industrial  
4869 Assistance Account created in Section [63N-3-103](#).

4870 [~~(9)~~ (4) "Targeted industry" means an industry or group of industries targeted by the  
4871 ~~[board]~~ GO Utah board under Section [63N-3-111](#), for economic development in the state.

4872 (5) "Talent development grant" means a grant awarded under Section [63N-3-112](#).

4873 Section 106. Section **63N-3-103** is amended to read:

4874 **63N-3-103. Industrial Assistance Account created -- Uses -- Administrator duties**  
4875 **-- Costs.**

4876 (1) There is created a restricted account within the General Fund known as the  
4877 "Industrial Assistance Account" [~~of which annually.~~]

4878 [~~(a) up to 50% of the unencumbered money in the account may be used in~~  
4879 ~~economically disadvantaged rural areas; and]~~

4880 [~~(b) up to the greater of \$250,000 or 25% of the unencumbered money in the account~~  
4881 ~~may be used to take timely advantage of economic opportunities as they arise.]~~

4882 (2) The administrator shall administer the restricted account [~~created under Subsection~~  
4883 ~~(1) under the policy direction of the board].~~

4884 (3) The administrator may hire appropriate support staff to perform the duties required  
4885 under this section.

4886 (4) The cost of administering the restricted account shall be paid from money in the  
4887 restricted account.

4888 (5) Interest accrued from investment of money in the restricted account shall remain in  
4889 the restricted account.

4890 (6) The office shall review the activities and progress of grant recipients under this  
4891 chapter on a regular basis and, as part of the office's annual written report described in Section  
4892 [~~63N-1-301~~] [63N-1a-306](#), report on the economic impact of activities funded by [~~the grants~~]

4893 each grant.

4894 Section 107. Section **63N-3-105** is amended to read:

4895 **63N-3-105. Qualification for assistance.**

4896 (1) (a) Except as provided in [~~Section 63N-3-108, 63N-3-109, or 63N-3-109.5,~~

4897 Section 63N-3-109, the administrator shall determine which industries, companies, and  
4898 individuals qualify to receive money from the Industrial Assistance Account.

4899 (b) Except as provided by Subsection (2), to qualify for financial assistance from the  
4900 restricted account, an applicant shall:

4901 [(a)] (i) demonstrate to the satisfaction of the administrator that the applicant will  
4902 expend funds in [~~Utah~~] the state with employees, vendors, subcontractors, or other businesses  
4903 in an amount proportional with money provided from the restricted account at a minimum ratio  
4904 of [~~2 to 1~~] one to one per year or other more stringent requirements as established [~~from time to~~  
4905 ~~time by the board for a minimum period of five years beginning with the date the loan or grant~~  
4906 ~~was approved~~] on a per project basis by the administrator;

4907 [(b)] (ii) demonstrate to the satisfaction of the administrator the applicant's ability to  
4908 sustain economic activity in the state sufficient to repay, by means of cash or appropriate  
4909 credits, the loan provided by the restricted account; and

4910 [(c)] (iii) satisfy other criteria the administrator considers appropriate.

4911 (2) (a) The administrator may exempt an applicant from the requirements of Subsection  
4912 (1)(a) or (b) if:

4913 [(i) ~~the financial assistance is provided to an applicant for the purpose of locating all or~~  
4914 ~~any portion of its operations to an economically disadvantaged rural area;]~~

4915 [(ii)] (i) the applicant is part of a targeted industry;

4916 [(iii)] (ii) the applicant is a quasi-public corporation organized under Title 16, Chapter  
4917 6a, Utah Revised Nonprofit Corporation Act, or Title 63E, Chapter 2, Independent  
4918 Corporations Act, and its operations, as demonstrated to the satisfaction of the administrator,  
4919 will provide significant economic stimulus to the growth of commerce and industry in the state;  
4920 or

4921 [(iv)] (iii) the applicant is an entity offering an economic opportunity under Section  
4922 63N-3-109.

4923 (b) The administrator may not exempt the applicant from the requirement under

4924 Subsection 63N-3-106(2)(b) that the loan be structured so that the repayment or return to the  
4925 state equals at least the amount of the assistance together with an annual interest charge.

4926 (3) The administrator shall:

4927 (a) for applicants not described in Subsection (2)(a):

4928 (i) make findings as to whether or not each applicant has satisfied each of the  
4929 conditions set forth in Subsection (1); and

4930 (ii) monitor the continued compliance by each applicant with each of the conditions set  
4931 forth in Subsection (1) for five years;

4932 ~~[(b) for applicants described in Subsection (2)(a), make findings as to whether the~~  
4933 ~~economic activities of each applicant has resulted in the creation of new jobs on a per capita~~  
4934 ~~basis in the economically disadvantaged rural area or targeted industry in which the applicant is~~  
4935 ~~located;]~~

4936 ~~[(c)]~~ (b) monitor the compliance by each applicant with the provisions of any contract  
4937 or agreement entered into between the applicant and the state as provided in Section  
4938 63N-3-107; and

4939 ~~[(d)]~~ (c) make funding decisions based upon appropriate findings and compliance.  
4940 Section 108. Section 63N-3-106 is amended to read:

4941 **63N-3-106. Loans, grants, and assistance -- Repayment -- Earned credits.**

4942 (1) (a) A company that qualifies under Section 63N-3-105 may receive loans, grants, or  
4943 other financial assistance from the Industrial Assistance Account for expenses related to  
4944 establishment, relocation, or development of industry in Utah.

4945 ~~[(b) A company creating an economic impediment that qualifies under Section~~  
4946 ~~63N-3-108 may in accordance with this part receive loans, grants, or other financial assistance~~  
4947 ~~from the restricted account for the expenses of the company creating an economic impediment~~  
4948 ~~related to:]~~

4949 ~~[(i) relocation to a rural area in Utah of the company creating an economic~~  
4950 ~~impediment; and]~~

4951 ~~[(ii) the siting of a replacement company.]~~

4952 ~~[(c)]~~ (b) An entity offering an economic opportunity that qualifies under Section  
4953 63N-3-109 may:

4954 (i) receive loans, grants, or other financial assistance from the restricted account for

4955 expenses related to the establishment, relocation, retention, or development of industry in the  
4956 state; and

4957 (ii) include infrastructure or other economic development precursor activities that act  
4958 as a catalyst and stimulus for economic activity likely to lead to the maintenance or  
4959 enlargement of the state's tax base.

4960 ~~[(d) An entity located in a nonattainment area that qualifies for assistance under~~  
4961 ~~Section 63N-3-109.5 may receive loans, grants, or other financial assistance from the restricted~~  
4962 ~~account for expenses related to the purchase and installation of best available control~~  
4963 ~~technology for air quality, including related financing and interest costs at the discretion of the~~  
4964 ~~administrator.]~~

4965 (2) (a) Subject to Subsection (2)(b), the administrator has authority to determine the  
4966 structure, amount, and nature of any loan, grant, or other financial assistance from the restricted  
4967 account.

4968 (b) Loans made under Subsection (2)(a) shall be structured so the intended repayment  
4969 or return to the state, including cash or credit, equals at least the amount of the assistance  
4970 together with an annual interest charge as negotiated by the administrator.

4971 (c) Payments resulting from grants awarded from the restricted account shall be made  
4972 only after the administrator has determined that the company has satisfied the conditions upon  
4973 which the payment or earned credit was based.

4974 (3) (a) (i) Except as provided in Subsection (3)(b), the administrator may provide for a  
4975 system of earned credits that may be used to support grant payments or in lieu of cash  
4976 repayment of a restricted account loan obligation.

4977 (ii) The value of the credits described in Subsection (3)(a)(i) shall be based on factors  
4978 determined by the administrator, including:

4979 (A) the number of Utah jobs created;

4980 (B) the increased economic activity in Utah; or

4981 (C) other events and activities that occur as a result of the restricted account assistance.

4982 (b) (i) The administrator shall provide for a system of credits to be used to support  
4983 grant payments or in lieu of cash repayment of a restricted account loan when loans are made to  
4984 a company creating an economic impediment.

4985 (ii) The value of the credits described in Subsection (3)(b)(i) shall be based on factors

4986 determined by the administrator, including:

4987 (A) the number of Utah jobs created;

4988 (B) the increased economic activity in Utah; or

4989 (C) other events and activities that occur as a result of the restricted account assistance.

4990 (4) (a) A cash loan repayment or other cash recovery from a company receiving

4991 assistance under this section, including interest, shall be deposited into the restricted account.

4992 (b) The administrator and the Division of Finance shall determine the manner of

4993 recognizing and accounting for the earned credits used in lieu of loan repayments or to support

4994 grant payments as provided in Subsection (3).

4995 (5) (a) (i) At the end of each fiscal year, the Division of Finance shall set aside the

4996 balance of the General Fund revenue surplus as defined in Section [63J-1-312](#) after the transfers

4997 of General Fund revenue surplus described in Subsection (5)(b) to the Industrial Assistance

4998 Account in an amount equal to any credit that has accrued under this part.

4999 (ii) The set aside under Subsection (5)(a)(i) shall be capped at \$50,000,000, at which

5000 time no subsequent contributions may be made and any interest accrued above the \$50,000,000

5001 cap shall be deposited into the General Fund.

5002 (b) The set aside required by Subsection (5)(a) shall be made after the transfer of

5003 surplus General Fund revenue surplus is made:

5004 (i) to the Medicaid Growth Reduction and Budget Stabilization Restricted Account, as

5005 provided in Section [63J-1-315](#);

5006 (ii) to the General Fund Budget Reserve Account, as provided in Section [63J-1-312](#);

5007 and

5008 (iii) to the Wildland Fire Suppression Fund or State Disaster Recovery Restricted

5009 Account, as provided in Section [63J-1-314](#).

5010 (c) These credit amounts may not be used for purposes of the restricted account as

5011 provided in this part until appropriated by the Legislature.

5012 Section 109. Section **63N-3-109** is amended to read:

5013 **63N-3-109. Financial assistance to entities offering economic opportunities.**

5014 (1) Subject to the duties and powers of the [~~board under Section [63N-1-402](#)~~] GO Utah

5015 board under Section [63N-1b-202](#), the administrator may provide money from the Industrial

5016 Assistance Account to an entity offering an economic opportunity if that entity:

5017 (a) applies to the administrator in a form approved by the administrator; and  
5018 (b) meets the qualifications of Subsection (2).  
5019 (2) As part of an application for receiving money under this section, an applicant shall:  
5020 (a) demonstrate to the satisfaction of the administrator the nature of the economic  
5021 opportunity and the related benefit to the economic well-being of the state by providing  
5022 evidence documenting the logical and compelling linkage, either direct or indirect, between the  
5023 expenditure of money necessitated by the economic opportunity and the likelihood that the  
5024 state's tax base, regions of the state's tax base, or specific components of the state's tax base  
5025 will not be reduced but will be maintained or enlarged;  
5026 (b) demonstrate how the funding request will act in concert with other state, federal, or  
5027 local agencies to achieve the economic benefit;  
5028 (c) demonstrate how the funding request will act in concert with free market principles;  
5029 and  
5030 (d) satisfy other criteria the administrator considers appropriate[;].  
5031 [~~(e) if the applicant meets the requirements of Subsection (2)(f)(i):~~]  
5032 [~~(i) demonstrate that the funding request will be used primarily to reimburse an~~  
5033 ~~applicant for expenses related to a program of marketing and branding for an annual conference~~  
5034 ~~or festival with at least 10,000 attendees that is held on or after January 1, 2019; and]~~  
5035 [~~(ii) demonstrate that an annual conference or festival described in Subsection (2)(f)(i)~~  
5036 ~~has met post-performance requirements designated by the administrator, in coordination with~~  
5037 ~~the organizer of an annual conference or festival, which shall include metrics and reporting~~  
5038 ~~requirements related to:~~  
5039 [~~(A) attendance;~~]  
5040 [~~(B) revenue;~~]  
5041 [~~(C) expenses;~~]  
5042 [~~(D) economic impact to the state;~~]  
5043 [~~(E) sponsorships; and]~~  
5044 [~~(F) conference or festival objectives; and]~~  
5045 [~~(f) be either:~~]  
5046 [~~(i) an entity whose purpose is to exclusively or substantially promote, develop, or~~  
5047 ~~maintain the economic welfare and prosperity of the state as a whole, regions of the state, or~~

5048 ~~specific components of the state, including an entity that hosts an annual conference or festival~~  
5049 ~~with at least 10,000 attendees, or]~~

5050 ~~[(ii) a company or individual that meets the requirements of Subsections (2)(a) through~~  
5051 ~~(d) but does not otherwise qualify under Section [63N-3-105](#).]~~

5052 (3) ~~[Subject to the duties and powers of the board under Section [63N-1-402](#)]~~ Before  
5053 awarding any money under this section, the administrator shall:

5054 (a) make findings as to whether an applicant has satisfied ~~[each of the conditions~~  
5055 ~~described in]~~ the requirements of Subsection (2);

5056 (b) establish benchmarks and timeframes in which progress toward the completion of  
5057 the agreed upon activity is to occur;

5058 (c) monitor compliance by an applicant with any contract or agreement entered into by  
5059 the applicant and the state as provided by Section [63N-3-107](#); and

5060 (d) make funding decisions based upon appropriate findings and compliance~~[; and]~~.

5061 ~~[(e) in cooperation with each entity that has received money from the Industrial~~  
5062 ~~Assistance Account in accordance with Subsection (2)(c), provide a written report on or before~~  
5063 ~~October 1 of each year describing the total amount of money provided by the state for each~~  
5064 ~~annual conference or festival during the year and the total cost from all sources of holding each~~  
5065 ~~annual conference or festival during the year to the:]~~

5066 ~~[(i) office for inclusion in the office's annual report described in Section [63N-1-301](#);~~  
5067 ~~and]~~

5068 ~~[(ii) Economic Development and Workforce Services Interim Committee.]~~

5069 Section 110. Section [63N-3-111](#) is amended to read:

5070 **[63N-3-111. Annual policy considerations.](#)**

5071 (1) (a) The ~~[board]~~ GO Utah board shall determine annually which industries or groups  
5072 of industries shall be targeted industries as defined in Section [63N-3-102](#).

5073 (b) The office shall make recommendations to state and federal agencies, local  
5074 governments, the governor, and the Legislature regarding policies and initiatives that promote  
5075 the economic development of targeted industries.

5076 (c) The office may create one or more voluntary advisory committees that may include  
5077 public and private stakeholders to solicit input on policy guidance and best practices in  
5078 encouraging the economic development of targeted industries.

5079 ~~[(2) In designating an economically disadvantaged rural area, the board shall consider~~  
5080 ~~the average agricultural and nonagricultural wage, personal income, unemployment, and~~  
5081 ~~employment in the area.]~~

5082 ~~[(3)]~~ (2) In evaluating the economic impact of applications for assistance, the [board]  
5083 GO Utah board shall use an econometric cost-benefit model ~~[or models adopted by the~~  
5084 ~~Governor's Office of Management and Budget].~~

5085 ~~[(4)]~~ (3) The [board] GO Utah board may establish:

5086 (a) minimum interest rates to be applied to loans granted that reflect a fair social rate of  
5087 return to the state comparable to prevailing market-based rates such as the prime rate, U.S.  
5088 Government T-bill rate, or bond coupon rate as paid by the state, adjusted by social indicators  
5089 such as the rate of unemployment; and

5090 (b) minimum applicant expense ratios, as long as they are at least equal to those  
5091 required under Subsection 63N-3-105(1)(a)(b) ~~[or 63N-3-108(1)(b)(i)(A)]~~.

5092 Section 111. Section **63N-3-112** is enacted to read:

5093 **63N-3-112. Talent development grants.**

5094 (1) A for-profit business that is creating new incremental high paying jobs in the state,  
5095 may apply to receive a talent development grant from the restricted account.

5096 (2) In accordance with the provisions of this section and in consultation with the board,  
5097 the administrator may award up to \$10,000 per new job created.

5098 (3) The administrator shall designate an application process for a business to apply for  
5099 the grant.

5100 (4) A business may apply to receive a grant only after each employee has been  
5101 employed at qualifying wage levels for at least 12 consecutive months;

5102 (5) Money granted for a talent development grant under this section shall be deducted  
5103 from any other money or incentive awarded by the office to the business.

5104 (6) Grants awarded under this section are only to reimburse a business for the costs  
5105 incurred to recruit, hire, train, and otherwise employ an employee in a newly created job.

5106 (7) A business shall submit a hiring and training plan detailing what the grant money  
5107 will be used for as part of the application process.

5108 (8) The administrator may only grant an award up to an amount that is no more than  
5109 25% of the estimated costs to be incurred by the business for the costs in the hiring and training

5110 plan.

5111 Section 112. Section **63N-3-204** is amended to read:

5112 **63N-3-204. Administration -- Grants and loans.**

5113 (1) The office shall administer this part.

5114 (2) (a) (i) The office may award Technology Commercialization and Innovation  
5115 Program grants or issue loans under this part to an applicant that is:

5116 (A) an institution of higher education;

5117 (B) a licensee; or

5118 (C) a small business.

5119 (ii) If loans are issued under Subsection (2)(a)(i), the Division of Finance may set up a  
5120 fund or account as necessary for the proper accounting of the loans.

5121 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
5122 office shall make rules for a process to determine whether an institution of higher education  
5123 that receives a grant under this part must return the grant proceeds or a portion of the grant  
5124 proceeds if the technology that is developed with the grant proceeds is licensed to a licensee  
5125 that:

5126 (i) does not maintain a manufacturing or service location in the state from which the  
5127 licensee or a sublicensee exploits the technology; or

5128 (ii) initially maintains a manufacturing or service location in the state from which the  
5129 licensee or a sublicensee exploits the technology, but within five years after issuance of the  
5130 license the licensee or sublicensee transfers the manufacturing or service location for the  
5131 technology to a location out of the state.

5132 (c) A repayment by an institution of higher education of grant proceeds or a portion of  
5133 the grant proceeds may only come from the proceeds of the license established between the  
5134 licensee and the institution of higher education.

5135 (d) (i) An applicant that is a licensee or small business that receives a grant under this  
5136 part shall return the grant proceeds or a portion of the grant proceeds to the office if the  
5137 applicant:

5138 (A) does not maintain a manufacturing or service location in the state from which the  
5139 applicant exploits the technology; or

5140 (B) initially maintains a manufacturing or service location in the state from which the

5141 applicant exploits the technology, but within five years after issuance of the grant, the applicant  
5142 transfers the manufacturing or service location for the technology to an out-of-state location.

5143 (ii) A repayment by an applicant shall be prorated based on the number of full years the  
5144 applicant operated in the state from the date of the awarded grant.

5145 (iii) A repayment by a licensee that receives a grant may only come from the proceeds  
5146 of the license to that licensee.

5147 (3) (a) Funding allocations shall be made by the office with the advice of the ~~board~~  
5148 GO Utah board.

5149 (b) Each proposal shall receive the best available outside review.

5150 (4) (a) In considering each proposal, the office shall weigh technical merit, the level of  
5151 matching funds from private and federal sources, and the potential for job creation and  
5152 economic development.

5153 (b) Proposals or consortia that combine and coordinate related research at two or more  
5154 institutions of higher education shall be encouraged.

5155 (5) The office shall review the activities and progress of grant recipients on a regular  
5156 basis and, as part of the office's annual written report described in Section ~~[63N-1-301]~~  
5157 63N-1a-306, report on the accomplishments and direction of the Technology  
5158 Commercialization and Innovation Program.

5159 (6) (a) On or before August 1, 2018, the office shall provide a written analysis and  
5160 recommendations concerning the usefulness of the Technology Commercialization and  
5161 Innovation Program described in this part, including whether:

5162 (i) the program is beneficial to the state and should continue; and

5163 (ii) other office programs or programs in other agencies could provide similar benefits  
5164 to the state more effectively or at a lower cost.

5165 (b) The written analysis and recommendations described in this Subsection (6) shall be  
5166 provided to:

5167 (i) the Business, Economic Development, and Labor Appropriations Subcommittee;

5168 (ii) the Economic Development and Workforce Services Interim Committee;

5169 (iii) the Business and Labor Interim Committee; and

5170 (iv) the governor.

5171 Section 113. Section ~~63N-4-101~~ is amended to read:

5172 **Part 1. Center for Rural Development**

5173 **63N-4-101. Title -- Definitions.**

5174 (1) This chapter is known as the "Rural Development Act."

5175 [~~(2) This part is known as the "Office of Rural Development."~~]

5176 [~~(3) As used in this part:~~]

5177 [~~(a) "Office" or "GOED" means the Governor's Office of Economic Development.~~]

5178 [~~(b) "Program" means the Rural Development Program.~~]

5179 (2) As used in this part, "program" means the Rural Development Program created in

5180 Section 63N-4-102.

5181 Section 114. Section **63N-4-102** is amended to read:

5182 **63N-4-102. Rural Development Program -- Supervision by office.**

5183 (1) There is created within the [~~Governor's Office of Economic Development~~] office  
5184 the [~~Office of~~] Center for Rural Development.

5185 (2) The [~~Office of~~] Center for Rural Development is under the administration and  
5186 general supervision of the [~~Governor's Office of Economic Development~~] office.

5187 Section 115. Section **63N-4-103** is amended to read:

5188 **63N-4-103. Purpose of the Center for Rural Development.**

5189 The [~~Office of~~] Center for Rural Development is established to:

5190 (1) foster and support economic development programs and activities for the benefit of  
5191 rural counties and communities;

5192 (2) foster and support community, county, and resource management planning  
5193 programs and activities for the benefit of rural counties and communities;

5194 (3) foster and support leadership training programs and activities for the benefit of:

5195 (a) rural leaders in both the public and private sectors;

5196 (b) economic development and planning personnel; and

5197 (c) rural government officials;

5198 (4) foster and support efforts to coordinate and focus the technical and other resources  
5199 of appropriate institutions of higher education, local governments, private sector interests,  
5200 associations, nonprofit organizations, federal agencies, and others, in ways that address the  
5201 economic development, planning, and leadership challenges [~~and priorities of rural Utah as~~  
5202 ~~identified in the strategic plan required under Subsection 63C-10-103(1)(b)~~];

5203 (5) work to enhance the capacity of GOED to address rural economic development,  
 5204 planning, and leadership training challenges and opportunities by establishing partnerships and  
 5205 positive working relationships with appropriate public and private sector entities, individuals,  
 5206 and institutions; and

5207 (6) foster government-to-government collaboration and good working relations  
 5208 between state and rural government regarding economic development and planning issues.

5209 Section 116. Section **63N-4-104** is amended to read:

5210 **63N-4-104. Duties.**

5211 (1) The ~~[Office of]~~ Center for Rural Development shall:

5212 ~~[(a) provide staff support to the Governor's Rural Partnership Board in accordance with~~  
 5213 ~~Subsection 63C-10-102(6);]~~

5214 ~~[(b) facilitate within GOED the implementation of the strategic plan prepared under~~  
 5215 ~~Subsection 63C-10-103(1)(b);]~~

5216 ~~[(c)]~~ (a) work to enhance the capacity of ~~[GOED]~~ the office to address rural economic  
 5217 development, planning, and leadership training challenges and opportunities by establishing  
 5218 partnerships and positive working relationships with appropriate public and private sector  
 5219 entities, individuals, and institutions;

5220 ~~[(d)]~~ (b) work with the ~~[Governor's Rural Partnership Board]~~ GO Utah board to  
 5221 coordinate and focus available resources in ways that address the economic development,  
 5222 planning, and leadership training challenges and priorities in rural Utah;

5223 ~~[(e)]~~ (c) assist ~~[the Governor's Rural Partnership Board]~~ in administering the Rural  
 5224 County Grant Program created in Section [17-54-103](#), including, as described in Subsection  
 5225 [17-54-103\(10\)](#), compiling reported information regarding the program for inclusion in  
 5226 ~~[GOED's]~~ the office's annual written report described in Section ~~[63N-1-301]~~ [63N-1a-306](#); and

5227 ~~[(f)]~~ (d) in accordance with economic development and planning policies set by state  
 5228 government, coordinate relations between:

5229 (i) the state;

5230 (ii) rural governments;

5231 (iii) other public and private groups engaged in rural economic planning and  
 5232 development; and

5233 (iv) federal agencies.

5234 (2) (a) The [~~Office of~~] Center for Rural Development may:

5235 (i) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
5236 make rules necessary to carry out its duties;

5237 (ii) accept gifts, grants, devises, and property, in cash or in kind, for the benefit of rural  
5238 Utah citizens; and

5239 (iii) use those gifts, grants, devises, and property received under Subsection (2)(a)(ii)  
5240 for the use and benefit of rural citizens within the state.

5241 (b) All resources received under Subsection (2)(a)(ii) shall be deposited in the General  
5242 Fund as dedicated credits to be used as directed in Subsection (2)(a)(iii).

5243 Section 117. Section **63N-4-105** is amended to read:

5244 **63N-4-105. Program manager.**

5245 (1) The executive director [~~of GOED~~] shall appoint a director for the [~~Office of~~] Center  
5246 for Rural Development with the approval of the governor.

5247 (2) The director of the [~~Office of~~] Center for Rural Development shall be a person  
5248 knowledgeable in the field of rural economic development and planning and experienced in  
5249 administration.

5250 (3) Upon change of the executive director [~~of GOED~~], the director of the [~~Office of~~]  
5251 Center for Rural Development may not be dismissed without cause for at least 180 days.

5252 [~~(4) The director of the Office of Rural Development shall serve as staff to the~~  
5253 ~~Governor's Rural Partnership Board and to the executive committee of the Governor's Rural~~  
5254 ~~Partnership Board in accordance with Subsection 63C-10-102(6).]~~

5255 Section 118. Section **63N-4-106** is amended to read:

5256 **63N-4-106. Annual report.**

5257 [~~GOED~~] The office shall include in the annual written report described in Section  
5258 [~~63N-1-301~~] 63N-1a-306, a report of the program's operations and recommendations.

5259 Section 119. Section **63N-4-205** is amended to read:

5260 **63N-4-205. Report on amount of grants and loans, projects, and outstanding**  
5261 **debt.**

5262 The board shall annually provide the following information to the office for inclusion in  
5263 the office's annual written report described in Section [~~63N-1-301~~] 63N-1a-306:

5264 (1) the total amount of grants and loans the board awarded to eligible counties under

5265 this part during the fiscal year that ended on the June 30 immediately preceding the November  
5266 interim meeting;

5267 (2) a description of the projects with respect to which the board awarded a grant or loan  
5268 under this part;

5269 (3) the total amount of outstanding debt service that is being repaid by a grant or loan  
5270 awarded under this part;

5271 (4) whether the grants and loans awarded under this part have resulted in economic  
5272 development within project areas; and

5273 (5) whether the board recommends:

5274 (a) that the grants and loans authorized by this part should be continued; or

5275 (b) any modifications to this part.

5276 Section 120. Section **63N-4-403** is amended to read:

5277 **63N-4-403. Duties of the office.**

5278 (1) The office shall:

5279 (a) review a business entity's application for a rural employment expansion grant under  
5280 this part in the order in which the application is received by the office;

5281 (b) ensure that a rural employment expansion grant is only awarded to a business entity  
5282 that meets the requirements of this part; and

5283 (c) as part of the annual written report described in Section [~~63N-1-301~~] [63N-1a-306](#),  
5284 prepare an annual evaluation that provides:

5285 (i) the identity of each business entity that was provided a rural employment expansion  
5286 grant by the office during the year of the annual report;

5287 (ii) the total amount awarded in rural employment expansion grants for each county;

5288 and

5289 (iii) an evaluation of the effectiveness of the rural employment expansion grant in  
5290 bringing significant new employment to rural communities.

5291 (2) The office may:

5292 (a) authorize a rural employment expansion grant for a business entity under this part;

5293 (b) audit a business entity to ensure:

5294 (i) eligibility for a rural employment expansion grant; and

5295 (ii) compliance with this part; and

5296 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and  
5297 in accordance with the provisions of this part, make rules regarding the:

- 5298 (i) form and content of an application for a rural employment expansion grant;
- 5299 (ii) documentation or other requirements for a business entity to receive a rural  
5300 employment expansion grant; and
- 5301 (iii) administration of rural employment expansion grants, including an appeal process  
5302 and relevant timelines and deadlines.

5303 Section 121. Section **63N-4-704** is amended to read:

5304 **63N-4-704. Requirements for entering into a lease.**

5305 (1) In accordance with the provisions of this part and in accordance with Title 63G,  
5306 Chapter 3, Utah Administrative Rulemaking Act, the office shall make rules establishing the  
5307 eligibility and reporting criteria for an applicant to participate in the program as a lessor of a  
5308 rural speculative industrial building, including:

- 5309 (a) the form and process of submitting an application to the office;
- 5310 (b) the eligibility requirements of an applicant;
- 5311 (c) the method and formula for determining lease terms between the office and a lessor  
5312 of a rural speculative industrial building; and
- 5313 (d) the reporting requirements of participants in the program.

5314 (2) In determining whether to approve an application for participation in the program,  
5315 the office may prioritize a project:

- 5316 (a) that will serve underprivileged or underserved communities, including communities  
5317 with high unemployment or low median incomes;
- 5318 (b) where an applicant demonstrates comprehensive planning of the project, including  
5319 a business case;
- 5320 (c) where the applicant, as determined by the office, is likely to have success in  
5321 attracting a tenant to assume the office's lease of a rural speculative industrial building in a  
5322 short amount of time; and
- 5323 (d) that maximizes economic development opportunities in accordance with the  
5324 economic development needs or plans of a county or a municipality.

5325 (3) Subject to legislative appropriation, a lease may only be entered into by the office  
5326 if:

5327 (a) the executive director, after consultation with the ~~[board]~~ GO Utah board, approves  
5328 entering into the lease;

5329 (b) the local municipal entity supports the program through the provision of local  
5330 incentives, reduced impact fees, or other monetary support for the rural speculative industrial  
5331 building; and

5332 (c) the lease terms are not more than \$100,000 per year with a maximum five-year  
5333 lease term.

5334 (4) The office shall include in the annual written report described in Section

5335 ~~[63N-1-301]~~ 63N-1a-306:

5336 (a) an overview of each lease entered into under this program; and

5337 (b) the success of this program in attracting new or expanding businesses into rural  
5338 areas.

5339 Section 122. Section **63N-7-201** is amended to read:

5340 **63N-7-201. Powers and duties of office related to tourism development plan --**

5341 **Annual report and survey.**

5342 (1) The office shall:

5343 (a) be the tourism development authority of the state;

5344 (b) develop a tourism advertising, marketing, and branding program for the state;

5345 (c) receive approval from the Board of Tourism Development under Subsection  
5346 63N-7-103(1)(a) before implementing the out-of-state advertising, marketing, and branding  
5347 campaign;

5348 (d) develop a plan to increase the economic contribution by tourists visiting the state;

5349 (e) plan and conduct a program of information, advertising, and publicity relating to the  
5350 recreational, scenic, historic, and tourist advantages and attractions of the state at large; and

5351 (f) encourage and assist in the coordination of the activities of persons, firms,  
5352 associations, corporations, travel regions, counties, and governmental agencies engaged in  
5353 publicizing, developing, and promoting the scenic attractions and tourist advantages of the  
5354 state.

5355 (2) Any plan provided for under Subsection (1) shall address, but not be limited to,  
5356 enhancing the state's image, promoting Utah as a year-round destination, encouraging  
5357 expenditures by visitors to the state, and expanding the markets where the state is promoted.

5358 (3) The office shall:

5359 (a) conduct a regular and ongoing research program to identify statewide economic  
5360 trends and conditions in the tourism sector of the economy; and

5361 (b) include in the annual written report described in Section [~~63N-1-301~~] [63N-1-306](#), a  
5362 report on the economic efficiency of the advertising and branding campaigns conducted under  
5363 this part.

5364 Section 123. Section **63N-8-102** is amended to read:

5365 **63N-8-102. Definitions.**

5366 As used in this chapter:

5367 (1) "Digital media company" means a company engaged in the production of a digital  
5368 media project.

5369 (2) "Digital media project" means all or part of a production of interactive  
5370 entertainment or animated production that is produced for distribution in commercial or  
5371 educational markets, which shall include projects intended for Internet or wireless distribution.

5372 (3) "Dollars left in the state" means expenditures made in the state for a state-approved  
5373 production, including:

5374 (a) an expenditure that is subject to:

5375 (i) a corporate franchise or income tax under Title 59, Chapter 7, Corporate Franchise  
5376 and Income Taxes;

5377 (ii) an individual income tax under Title 59, Chapter 10, Individual Income Tax Act;  
5378 and

5379 (iii) a sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act,  
5380 notwithstanding any sales and use tax exemption allowed by law; or

5381 (iv) a combination of Subsections (3)(a)(i), (ii), and (iii);

5382 (b) payments made to a nonresident only to the extent of the income tax paid to the  
5383 state on the payments, the amount of per diems paid in the state, and other direct  
5384 reimbursements transacted in the state; and

5385 (c) payments made to a payroll company or loan-out corporation that is registered to do  
5386 business in the state, only to the extent of the amount of withholding under Section [59-10-402](#).

5387 (4) "Loan-out corporation" means a corporation owned by one or more artists that  
5388 provides services of the artists to a third party production company.

- 5389 (5) "Motion picture company" means a company engaged in the production of:
- 5390 (a) motion pictures;
- 5391 (b) television series; or
- 5392 (c) made-for-television movies.
- 5393 (6) "Motion picture incentive" means either a cash rebate from the Motion Picture
- 5394 Incentive Account or a refundable tax credit under Section [59-7-614.5](#) or [59-10-1108](#).
- 5395 (7) "New state revenues" means:
- 5396 (a) incremental new state sales and use tax revenues generated as a result of a digital
- 5397 media project that a digital media company pays under Title 59, Chapter 12, Sales and Use Tax
- 5398 Act;
- 5399 (b) incremental new state tax revenues that a digital media company pays as a result of
- 5400 a digital media project under:
- 5401 (i) Title 59, Chapter 7, Corporate Franchise and Income Taxes;
- 5402 (ii) Title 59, Chapter 10, Part 1, Determination and Reporting of Tax Liability and
- 5403 Information;
- 5404 (iii) Title 59, Chapter 10, Part 2, Trusts and Estates;
- 5405 (iv) Title 59, Chapter 10, Part 4, Withholding of Tax; or
- 5406 (v) a combination of Subsections (7)(b)(i), (ii), (iii), and (iv);
- 5407 (c) incremental new state revenues generated as individual income taxes under Title
- 5408 59, Chapter 10, Part 1, Determination and Reporting of Tax Liability and Information, paid by
- 5409 employees of the new digital media project as evidenced by payroll records from the digital
- 5410 media company; or
- 5411 (d) a combination of Subsections (7)(a), (b), and (c).
- 5412 (8) "Payroll company" means a business entity that handles the payroll and becomes
- 5413 the employer of record for the staff, cast, and crew of a motion picture production.
- 5414 (9) "Refundable tax credit" means a refundable motion picture tax credit authorized
- 5415 under Section [63N-8-103](#) and claimed under Section [59-7-614.5](#) or [59-10-1108](#).
- 5416 (10) "Restricted account" means the Motion Picture Incentive Account created in
- 5417 Section [63N-8-103](#).
- 5418 (11) "State-approved production" means a production under Subsections (2) and (5)
- 5419 that is:

- 5420 (a) approved by the office and ratified by the [board] GO Utah board; and
- 5421 (b) produced in the state by a motion picture company.
- 5422 (12) "Tax credit amount" means the amount the office lists as a tax credit on a tax
- 5423 credit certificate for a taxable year.
- 5424 (13) "Tax credit certificate" means a certificate issued by the office that:
- 5425 (a) lists the name of the applicant;
- 5426 (b) lists the applicant's taxpayer identification number;
- 5427 (c) lists the amount of tax credit that the office awards the applicant for the taxable
- 5428 year; and
- 5429 (d) may include other information as determined by the office.

5430 Section 124. Section **63N-8-103** is amended to read:

5431 **63N-8-103. Motion Picture Incentive Account created -- Cash rebate incentives --**  
5432 **Refundable tax credit incentives.**

- 5433 (1) (a) There is created within the General Fund a restricted account known as the
- 5434 Motion Picture Incentive Account, which the office shall use to provide cash rebate incentives
- 5435 for state-approved productions by a motion picture company.
- 5436 (b) All interest generated from investment of money in the restricted account shall be
- 5437 deposited in the restricted account.
- 5438 (c) The restricted account shall consist of an annual appropriation by the Legislature.
- 5439 (d) The office shall:
- 5440 (i) with the advice of the [board] GO Utah board, administer the restricted account; and
- 5441 (ii) make payments from the restricted account as required under this section.
- 5442 (e) The cost of administering the restricted account shall be paid from money in the
- 5443 restricted account.
- 5444 (2) (a) A motion picture company or digital media company seeking disbursement of
- 5445 an incentive allowed under an agreement with the office shall follow the procedures and
- 5446 requirements of this Subsection (2).
- 5447 (b) The motion picture company or digital media company shall provide the office with
- 5448 an incentive request form, provided by the office, identifying and documenting the dollars left
- 5449 in the state and new state revenues generated by the motion picture company or digital media
- 5450 company for state-approved production, including any related tax returns by the motion picture

5451 company, payroll company, digital media company, or loan-out corporation under Subsection  
5452 (2)(d).

5453 (c) For a motion picture company, an independent certified public accountant shall:

5454 (i) review the incentive request form submitted by the motion picture company; and

5455 (ii) provide a report on the accuracy and validity of the incentive request form,

5456 including the amount of dollars left in the state, in accordance with the agreed upon procedures  
5457 established by the office by rule.

5458 (d) The motion picture company, digital media company, payroll company, or loan-out  
5459 corporation shall provide the office with a document that expressly directs and authorizes the  
5460 State Tax Commission to disclose the entity's tax returns and other information concerning the  
5461 entity that would otherwise be subject to confidentiality under Section 59-1-403 or Section  
5462 6103, Internal Revenue Code, to the office.

5463 (e) The office shall submit the document described in Subsection (2)(d) to the State  
5464 Tax Commission.

5465 (f) Upon receipt of the document described in Subsection (2)(d), the State Tax  
5466 Commission shall provide the office with the information requested by the office that the  
5467 motion picture company, digital media company, payroll company, or loan-out corporation  
5468 directed or authorized the State Tax Commission to provide to the office in the document  
5469 described in Subsection (2)(d).

5470 (g) Subject to Subsection (3), for a motion picture company the office shall:

5471 (i) review the incentive request form from the motion picture company described in  
5472 Subsection (2)(b) and verify that the incentive request form was reviewed by an independent  
5473 certified public accountant as described in Subsection (2)(c); and

5474 (ii) based upon the independent certified public accountant's report under Subsection  
5475 (2)(c), determine the amount of the incentive that the motion picture company is entitled to  
5476 under the motion picture company's agreement with the office.

5477 (h) Subject to Subsection (3), for a digital media company, the office shall:

5478 (i) ensure the digital media project results in new state revenues; and

5479 (ii) based upon review of new state revenues, determine the amount of the incentive  
5480 that a digital media company is entitled to under the digital media company's agreement with  
5481 the office.

5482 (i) Subject to Subsection (3), if the incentive is in the form of a cash rebate, the office  
5483 shall pay the incentive from the restricted account to the motion picture company,  
5484 notwithstanding Subsections 51-5-3(23)(b) and 63J-1-105(6).

5485 (j) If the incentive is in the form of a refundable tax credit under Section 59-7-614.5 or  
5486 59-10-1108, the office shall:

5487 (i) issue a tax credit certificate to the motion picture company or digital media  
5488 company; and

5489 (ii) provide a [~~duplicate copy~~] digital record of the tax credit certificate to the State Tax  
5490 Commission.

5491 (k) A motion picture company or digital media company may not claim a motion  
5492 picture tax credit under Section 59-7-614.5 or 59-10-1108 unless the motion picture company  
5493 or digital media company has received a tax credit certificate for the claim issued by the office  
5494 under Subsection (2)(j)(i).

5495 (l) A motion picture company or digital media company may claim a motion picture  
5496 tax credit on the motion picture company's or the digital media company's tax return for the  
5497 amount listed on the tax credit certificate issued by the office.

5498 (m) A motion picture company or digital media company that claims a tax credit under  
5499 Subsection (2)(l) shall retain the tax credit certificate and all supporting documentation in  
5500 accordance with Subsection 63N-8-104(6).

5501 (3) (a) Subject to Subsection (3)(b), the office may issue \$6,793,700 in tax credit  
5502 certificates under this part in a fiscal year.

5503 (b) If the office does not issue tax credit certificates in a fiscal year totaling the amount  
5504 authorized under Subsection (3)(a), the office may carry over that amount for issuance in  
5505 subsequent fiscal years.

5506 Section 125. Section 63N-8-104 is amended to read:

5507 **63N-8-104. Motion picture incentives -- Standards to qualify for an incentive --**  
5508 **Limitations -- Content of agreement between office and motion picture company or**  
5509 **digital media company.**

5510 (1) In addition to the requirements for receiving a motion picture incentive as set forth  
5511 in this part, the office, in accordance with Title 63G, Chapter 3, Utah Administrative  
5512 Rulemaking Act, shall make rules establishing:

5513 (a) the standards that a motion picture company or digital media company must meet to  
5514 qualify for the motion picture incentive; and

5515 (b) criteria for determining the amount of the incentive.

5516 (2) The office shall ensure that those standards include the following:

5517 (a) an incentive may only be issued for a state-approved production by a motion picture  
5518 company or digital media company;

5519 (b) financing has been obtained and is in place for the production; and

5520 (c) the economic impact of the production on the state represents new incremental  
5521 economic activity in the state as opposed to existing economic activity.

5522 (3) With respect to a digital media project, the office shall consider economic  
5523 modeling, including the costs and benefits of the digital media project to state and local  
5524 governments in determining the motion picture incentive amount.

5525 (4) The office may also consider giving preference to a production that stimulates  
5526 economic activity in rural areas of the state or that has Utah content, such as recognizing that  
5527 the production was made in the state or uses Utah as Utah in the production.

5528 (5) (a) The office, with advice from the [board] GO Utah board, may enter into an  
5529 agreement with a motion picture company or digital media company that meets the standards  
5530 established under this section and satisfies the other qualification requirements under this part.

5531 (b) Subject to Subsection 63N-8-103(3), the office may commit or authorize a motion  
5532 picture incentive:

5533 (i) to a motion picture company of up to 20% of the dollars left in the state by the  
5534 motion picture company, and a motion picture company can receive an additional 5%, not to  
5535 exceed 25% of the dollars left in the state by the motion picture company if the company  
5536 fulfills certain requirements determined by the office including:

5537 (A) employing a significant percentage of cast and crew from Utah;

5538 (B) highlighting the state of Utah and the Utah Film Commission in the motion picture  
5539 credits; or

5540 (C) other promotion opportunities as agreed upon by the office and the motion picture  
5541 company; and

5542 (ii) to a digital media company, if the incentive does not exceed 100% of the new state  
5543 revenue less the considerations under Subsection (3), but not to exceed 20% of the dollars left

5544 in the state by the digital media company.

5545 (c) The office may not give a cash rebate incentive from the Motion Picture Incentive  
5546 Restricted Account for a digital media project.

5547 (6) The office shall ensure that the agreement entered into with a motion picture  
5548 company or digital media company under Subsection (5)(a):

5549 (a) details the requirements that the motion picture company or digital media company  
5550 must meet to qualify for an incentive under this part;

5551 (b) specifies:

5552 (i) the nature of the incentive; and

5553 (ii) the maximum amount of the motion picture incentive that the motion picture  
5554 company or digital media company may earn for a taxable year and over the life of the  
5555 production;

5556 (c) establishes the length of time over which the motion picture company or digital  
5557 media company may claim the motion picture incentive;

5558 (d) requires the motion picture company or digital media company to retain records  
5559 supporting its claim for a motion picture incentive for at least four years after the motion  
5560 picture company or digital media company claims the incentive under this part; and

5561 (e) requires the motion picture company or digital media company to submit to audits  
5562 for verification of the claimed motion picture incentive.

5563 Section 126. Section **63N-8-105** is amended to read:

5564 **63N-8-105. Annual report.**

5565 The office shall include the following information in the annual written report described  
5566 in Section [~~63N-1-301~~] [63N-1a-306](#):

5567 (1) the office's success in attracting within-the-state production of television series,  
5568 made-for-television movies, and motion pictures, including feature films and independent  
5569 films;

5570 (2) the amount of incentive commitments made by the office under this part and the  
5571 period of time over which the incentives will be paid; and

5572 (3) the economic impact on the state related to:

5573 (a) dollars left in the state; and

5574 (b) providing motion picture incentives under this part.

5575 Section 127. Section **63N-9-104** is amended to read:

5576 **63N-9-104. Creation of outdoor recreation office and appointment of director --**

5577 **Responsibilities of outdoor recreation office.**

5578 (1) There is created within the [~~Governor's Office of Economic Development~~] office  
5579 the Utah Office of Outdoor Recreation.

5580 (2) (a) The executive director shall appoint a director of the outdoor recreation office.

5581 (b) The director [~~shall report to the executive director and~~] may appoint staff.

5582 (3) The outdoor recreation office shall:

5583 (a) coordinate outdoor recreation policy, management, and promotion:

5584 (i) among state and federal agencies and local government entities in the state; [~~and~~]

5585 (ii) with the Public Lands Policy Coordinating Office created in Section **63J-4-602**, if  
5586 public land is involved; and

5587 (iii) on a quarterly basis, with the executive director and the executive director of the  
5588 Department of Natural Resources;

5589 (b) promote economic development in the state by:

5590 (i) coordinating with outdoor recreation stakeholders;

5591 (ii) improving recreational opportunities; and

5592 (iii) recruiting outdoor recreation business;

5593 (c) promote all forms of outdoor recreation, including vehicular and non-vehicular  
5594 outdoor recreation;

5595 [~~(e)~~] (d) recommend to the governor and Legislature policies and initiatives to enhance  
5596 recreational amenities and experiences in the state and help implement those policies and  
5597 initiatives;

5598 (e) in performing the outdoor recreation office's duties, seek to ensure safe and  
5599 adequate access to outdoor recreation for all user groups and for all forms of recreation;

5600 [~~(f)~~] (f) develop data regarding the impacts of outdoor recreation in the state; and

5601 [~~(g)~~] (g) promote the health and social benefits of outdoor recreation, especially to  
5602 young people.

5603 (4) By following the procedures and requirements of Title 63J, Chapter 5, Federal  
5604 Funds Procedures Act, the outdoor recreation office may:

5605 (a) seek federal grants or loans;

5606 (b) seek to participate in federal programs; and

5607 (c) in accordance with applicable federal program guidelines, administer federally  
5608 funded outdoor recreation programs.

5609 (5) For purposes of administering this part, the outdoor recreation office may make  
5610 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

5611 Section 128. Section **63N-9-106** is amended to read:

5612 **63N-9-106. Annual report.**

5613 The executive director shall include in the annual written report described in Section  
5614 ~~[63N-1-301]~~ 63N-1a-306 a report from the director on the activities of the outdoor recreation  
5615 office, including a description and the amount of any awarded infrastructure grants and any  
5616 awarded UCORE grants.

5617 Section 129. Section **63N-9-203** is amended to read:

5618 **63N-9-203. Rulemaking and requirements for awarding an infrastructure grant.**

5619 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
5620 outdoor recreation office shall make rules establishing the eligibility and reporting criteria for  
5621 an entity to receive an infrastructure grant, including:

5622 (a) the form and process of submitting an application to the outdoor recreation office  
5623 for an infrastructure grant;

5624 (b) which entities are eligible to apply for an infrastructure grant;

5625 (c) specific categories of recreational infrastructure projects that are eligible for an  
5626 infrastructure grant;

5627 (d) the method and formula for determining grant amounts; and

5628 (e) the reporting requirements of grant recipients.

5629 (2) In determining the award of an infrastructure grant, the outdoor recreation office  
5630 may prioritize a recreational infrastructure project that will serve an underprivileged or  
5631 underserved community.

5632 (3) An infrastructure grant may only be awarded by the executive director after  
5633 consultation with the director and the ~~[board]~~ GO Utah board.

5634 (4) The following entities may not receive an infrastructure grant under this part:

5635 (a) a federal government entity;

5636 (b) a state agency; and

5637 (c) a for-profit entity.

5638 (5) An infrastructure grant may only be awarded under this part:

5639 (a) for a recreational infrastructure project that is accessible to the general public; and

5640 (b) subject to Subsections (6) and (7), if the grant recipient agrees to provide matching

5641 funds having a value equal to or greater than the amount of the infrastructure grant.

5642 (6) Up to 50% of the grant recipient match described in Subsection (5)(b) may be

5643 provided through an in-kind contribution by the grant recipient, if:

5644 (a) approved by the executive director after consultation with the director and the

5645 [~~board~~] GO Utah board; and

5646 (b) the in-kind donation does not include real property.

5647 (7) An infrastructure grant may not be awarded under this part if the grant, or the grant

5648 recipient match described in Subsection (5)(b), will be used for the purchase of real property or

5649 for the purchase or transfer of a conservation easement.

5650 Section 130. Section **63N-9-403** is amended to read:

5651 **63N-9-403. Rulemaking and requirements for awarding a UCORE grant.**

5652 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

5653 outdoor recreation office shall make rules establishing the eligibility and reporting criteria for

5654 an entity to receive a UCORE grant, including:

5655 (a) the form and process of submitting an application to the outdoor recreation office

5656 for a UCORE grant;

5657 (b) which entities are eligible to apply for a UCORE grant;

5658 (c) specific categories of children's programs that are eligible for a UCORE grant;

5659 (d) the method and formula for determining grant amounts; and

5660 (e) the reporting requirements of grant recipients.

5661 (2) In determining the award of a UCORE grant, the outdoor recreation office may

5662 prioritize a children's program that will serve an underprivileged or underserved community in

5663 the state.

5664 (3) A UCORE grant may only be awarded by the executive director after consultation

5665 with the director and the [~~board~~] GO Utah board.

5666 (4) The following entities may not receive a UCORE grant under this part:

5667 (a) a federal government entity;

- 5668 (b) a state agency, except for public schools and institutions of higher education; and
- 5669 (c) a for-profit entity.

5670 (5) In awarding UCORE grants, consideration shall be given to entities that implement  
5671 programs that:

- 5672 (a) contribute to healthy and active lifestyles through outdoor recreation; and
- 5673 (b) include one or more of the following attributes in their programs or initiatives:
  - 5674 (i) serve children with the greatest needs in rural, suburban, and urban areas of the
  - 5675 state;
  - 5676 (ii) provide students with opportunities to directly experience nature;
  - 5677 (iii) maximize the number of children who can participate;
  - 5678 (iv) commit matching and in-kind resources;
  - 5679 (v) create partnerships with public and private entities;
  - 5680 (vi) include ongoing program evaluation and assessment;
  - 5681 (vii) utilize veterans in program implementation;
  - 5682 (viii) include outdoor or nature-based programming that incorporates concept learning
  - 5683 in science, technology, engineering, or math; or
  - 5684 (ix) utilize educated volunteers in program implementation.

5685 Section 131. Section **63N-13-101** is amended to read:

5686 **63N-13-101. Title -- Projects to assist companies to secure new business with**  
5687 **federal, state, and local governments.**

- 5688 (1) This chapter is known as "Procurement Programs."
- 5689 (2) The Legislature recognizes that:
  - 5690 (a) many Utah companies provide products and services which are routinely procured
  - 5691 by a myriad of governmental entities at all levels of government, but that attempting to
  - 5692 understand and comply with the numerous certification, registration, proposal, and contract
  - 5693 requirements associated with government procurement often raises significant barriers for
  - 5694 those companies with no government contracting experience;
  - 5695 (b) the costs associated with obtaining a government contract for products or services
  - 5696 often prevent most small businesses from working in the governmental procurement market;
  - 5697 (c) currently a majority of federal procurement opportunities are contracted to
  - 5698 businesses located outside of the state;

5699 (d) the [~~Governor's Office of Economic Development~~] office currently administers  
5700 programs and initiatives that help create and grow companies in Utah and recruit companies to  
5701 Utah through the use of state employees, public-private partnerships, and contractual services;  
5702 and

5703 (e) there exists a significant opportunity for Utah companies to secure new business  
5704 with federal, state, and local governments.

5705 (3) The office, through its executive director:

5706 (a) shall manage and direct the administration of state and federal programs and  
5707 initiatives whose purpose is to procure federal, state, and local governmental contracts;

5708 (b) may require program accountability measures; and

5709 (c) may receive and distribute legislative appropriations and public and private grants  
5710 for projects and programs that:

5711 (i) are focused on growing Utah companies and positively impacting statewide  
5712 revenues by helping these companies secure new business with federal, state, and local  
5713 governments;

5714 (ii) provide guidance to Utah companies interested in obtaining new business with  
5715 federal, state, and local governmental entities;

5716 (iii) would facilitate marketing, business development, and expansion opportunities for  
5717 Utah companies in cooperation with the [~~Governor's Office of Economic Development's~~]  
5718 office's Procurement Technical Assistance Center Program and with public, nonprofit, or  
5719 private sector partners such as local chambers of commerce, trade associations, or private  
5720 contractors as determined by the office's director to successfully match Utah businesses with  
5721 government procurement opportunities; and

5722 (iv) may include the following components:

5723 (A) recruitment, individualized consultation, and an introduction to government  
5724 contracting;

5725 (B) specialized contractor training for companies located in Utah;

5726 (C) a Utah contractor matching program for government requirements;

5727 (D) experienced proposal and bid support; and

5728 (E) specialized support services.

5729 (4) (a) The office, through its executive director, shall make any distribution referred to

5730 in Subsection (3) on a semiannual basis.

5731 (b) A recipient of money distributed under this section shall provide the office with a  
5732 set of standard monthly reports, the content of which shall be determined by the office to  
5733 include at least the following information:

- 5734 (i) consultive meetings with Utah companies;
- 5735 (ii) seminars or training meetings held;
- 5736 (iii) government contracts awarded to Utah companies;
- 5737 (iv) increased revenues generated by Utah companies from new government contracts;
- 5738 (v) jobs created;
- 5739 (vi) salary ranges of new jobs; and
- 5740 (vii) the value of contracts generated.

5741 Section 132. Section **63N-16-101** is enacted to read:

5742 **CHAPTER 16. UTAH BROADBAND CENTER AND ACCESS ACT**

5743 **Part 1. General Provisions**

5744 **63N-16-101. Title.**

5745 This chapter is known as the "Utah Broadband Center and Access Act."

5746 Section 133. Section **63N-16-102** is enacted to read:

5747 **63N-16-102. Definitions.**

5748 As used in this chapter:

5749 (1) "Broadband center" means the Utah Broadband Center created in Section  
5750 63N-16-201.

5751 (2) "Eligible applicant" means:

- 5752 (a) a telecommunications provider or an Internet service provider;
- 5753 (b) a local government entity and one or more private entities, collectively, who are  
5754 parties to a public-private partnership established for the purpose of expanding affordable  
5755 broadband access in the state; or
- 5756 (c) a tribal government.

5757 (3) "Public-private partnership" means an arrangement or agreement between a  
5758 government entity and one or more private persons to fund and provide for a public need  
5759 through the development or operation of a public project in which the private person or persons  
5760 share with the government entity the responsibility or risk of developing, owning, maintaining,

5761 financing, or operating the project.

5762 (4) "Underserved area" means an area of the state that is underserved in terms of the  
5763 area's access to broadband service, as further defined by rule made by the broadband center.

5764 (5) "Unserved area" means an area of the state that is rural and unserved in terms of the  
5765 area's access to broadband service, as further defined by rule made by the broadband center.

5766 Section 134. Section **63N-16-201** is enacted to read:

5767 **Part 2. Utah Broadband Center**

5768 **63N-16-201. Utah Broadband Center -- Creation -- Director -- Duties.**

5769 (1) There is created within the office the Utah Broadband Center.

5770 (2) The executive director shall appoint a director of the broadband center to oversee  
5771 the operations of the broadband center.

5772 (3) The broadband center shall:

5773 (a) ensure that publicly funded broadband projects continue to be publicly accessible  
5774 and provide a public benefit;

5775 (b) develop a statewide digital connectivity plan;

5776 (c) carry out the duties described in Section [63N-16-202](#); and

5777 (d) administer the broadband access grant program in accordance with Part 3,  
5778 Broadband Access Grant Program.

5779 Section 135. Section **63N-16-202**, which is renumbered from Section 63N-3-501 is  
5780 renumbered and amended to read:

5781 ~~**[63N-3-501].**~~ **63N-16-202. Infrastructure and broadband coordination.**

5782 (1) The ~~[office]~~ broadband center shall partner with the Automated Geographic  
5783 Reference Center created in Section [63F-1-506](#) to collect and maintain a database and  
5784 interactive map that displays economic development data statewide, including:

5785 (a) voluntarily submitted broadband availability, speeds, and other broadband data;

5786 (b) voluntarily submitted public utility data;

5787 (c) workforce data, including information regarding:

5788 (i) enterprise zones designated under Section [63N-2-206](#);

5789 ~~[(ii) business resource centers;]~~

5790 ~~[(iii)]~~ (ii) public institutions of higher education; and

5791 ~~[(iv)]~~ (iii) procurement technical assistance centers;

5792 (d) transportation data, which may include information regarding railway routes,  
5793 commuter rail routes, airport locations, and major highways;

5794 (e) lifestyle data, which may include information regarding state parks, national parks  
5795 and monuments, United States Forest Service boundaries, ski areas, golf courses, and hospitals;  
5796 and

5797 (f) other relevant economic development data as determined by the office, including  
5798 data provided by partner organizations.

5799 (2) The ~~[office]~~ broadband center may:

5800 (a) make recommendations to state and federal agencies, local governments, the  
5801 governor, and the Legislature regarding policies and initiatives that promote the development  
5802 of broadband-related infrastructure in the state and help implement those policies and  
5803 initiatives;

5804 (b) facilitate coordination between broadband providers and public and private entities;

5805 (c) collect and analyze data on broadband availability and usage in the state, including  
5806 Internet speed, capacity, the number of unique visitors, and the availability of broadband  
5807 infrastructure throughout the state;

5808 (d) create a voluntary broadband advisory committee, which shall include broadband  
5809 providers and other public and private stakeholders, to solicit input on broadband-related policy  
5810 guidance, best practices, and adoption strategies;

5811 (e) work with broadband providers, state and local governments, and other public and  
5812 private stakeholders to facilitate and encourage the expansion and maintenance of broadband  
5813 infrastructure throughout the state; and

5814 (f) in accordance with the requirements of Title 63J, Chapter 5, Federal Funds  
5815 Procedures Act, and in accordance with federal requirements:

5816 (i) apply for federal grants;

5817 (ii) participate in federal programs; and

5818 (iii) administer federally funded broadband-related programs.

5819 Section 136. Section **63N-15-103** is amended to read:

5820 **63N-15-103. Reporting and use of appropriations.**

5821 (1) The office shall include in the office's 2020 and 2021 annual reports to the governor  
5822 and the Legislature under Section [~~63N-1-301~~] 63N-1a-306 the following information about

5823 each of the grant programs established under this chapter:

- 5824 (a) the number of applications submitted under the grant program;
- 5825 (b) the number of grants awarded under the grant program;
- 5826 (c) the aggregate amount of grant funds awarded under the grant program; and
- 5827 (d) any other information the office considers relevant to evaluating the success of the
- 5828 grant program.

5829 (2) After providing notice to members of the legislative committee, the executive  
5830 director, in cooperation with the director of the Division of Finance, may move funds among  
5831 the following programs to make efficient and full use of CARES Act funding:

- 5832 (a) the COVID-19 Commercial Rental and Mortgage Assistance Program described in
- 5833 Chapter 14, COVID-19 Commercial Rental and Mortgage Assistance Program;
- 5834 (b) any of the programs described in this chapter;
- 5835 (c) after consultation with the commissioner of the Department of Agriculture and
- 5836 Food, the COVID-19 Agricultural Operations Grant Program described in Section 4-18-106.1;
- 5837 (d) after consultation with the executive director of the Department of Heritage and
- 5838 Arts, the COVID-19 Cultural Assistance Grant Program described in Title 9, Chapter 6, Part 9,
- 5839 COVID-19 Cultural Assistance Grant Program; and
- 5840 (e) after consultation with the executive director of the Department of Workforce
- 5841 Services, COVID-19 Residential Housing Assistance described in Title 35A, Chapter 8, Part
- 5842 23, COVID-19 Residential Housing Assistance.

5843 Section 137. Section **63N-16-301** is enacted to read:

**Part 3. Broadband Access Grant Program**

**63N-16-301. Creation of Broadband Access Grant Program.**

5846 (1) There is established a grant program known as the Broadband Access Grant  
5847 Program that is administered by the broadband center in accordance with this part.

5848 (2) (a) The broadband center may award a grant under this part to an eligible applicant  
5849 who submits to the broadband center an application that includes a proposed project to extend  
5850 broadband service to individuals and businesses in an unserved area or an underserved area by  
5851 providing last-mile connections to end users.

5852 (b) Subsection (2)(a) does not prohibit the broadband center from awarding a grant for  
5853 a proposed project that also includes middle-mile elements that are necessary for the last-mile

5854 connections.

5855 (3) In awarding grants under this part, the broadband center shall:

5856 (a) based on the following criteria and in the order provided, prioritize proposed  
5857 projects:

5858 (i) located in unserved areas;

5859 (ii) located in underserved areas;

5860 (iii) (A) that the eligible applicant developed after meaningful engagement with the  
5861 impacted community to identify the community's needs and innovative means of providing a  
5862 public benefit that addresses the community's needs; and

5863 (B) that include, as a component of the proposed project, a long-term public benefit to  
5864 the impacted community developed in response to the eligible applicant's engagement with the  
5865 community;

5866 (iv) located in an economically distressed area of the state, as measured by indices of  
5867 unemployment, poverty, or population loss;

5868 (v) that make the greatest investment in last-mile connections;

5869 (vi) that provide higher speed broadband access to end users; and

5870 (vii) for which the eligible applicant provides at least 25% of the money needed for the  
5871 proposed project, with higher priority to proposed projects for which the eligible applicant  
5872 provides a greater percentage of the money needed for the proposed project; and

5873 (b) consider the impact of available funding for the proposed project from other  
5874 sources, including money from matching federal grant programs.

5875 (4) The broadband center may not award a grant under this part that exceeds  
5876 \$7,500,000.

5877 (5) For a project that the eligible applicant cannot complete in a single fiscal year, the  
5878 broadband center may distribute grant proceeds for the project over the course of the project's  
5879 construction.

5880 (6) In awarding grants under this part, the broadband center shall ensure that grant  
5881 funds are not used in a manner that causes competition among projects that are substantially  
5882 supported by state funds, as determined in accordance with rule made by the broadband center.

5883 (7) As provided in and subject to the requirements of Title 63G, Chapter 2,  
5884 Government Records Access and Management Act, a record submitted to the broadband center

5885 that contains a trade secret or confidential commercial information described in Subsection  
5886 63G-2-305(2) is a protected record.

5887 Section 138. Section **63N-16-302** is enacted to read:

5888 **63N-16-302. Duties of the broadband center.**

5889 (1) The broadband center shall:

5890 (a) establish an application process by which an eligible applicant may apply for a  
5891 grant under this part, which application shall include:

5892 (i) a declaration, signed under penalty of perjury, that the application is complete, true,  
5893 and correct; and

5894 (ii) an acknowledgment that the eligible applicant is subject to audit;

5895 (b) establish a method for the broadband center to determine which eligible applicants  
5896 qualify to receive a grant;

5897 (c) establish a formula to award grant funds; and

5898 (d) report the information described in Subsections (1)(a) through (c) to the director of  
5899 the Division of Finance.

5900 (2) Subject to appropriation, the broadband center shall:

5901 (a) collect applications for grant funds from eligible applicants;

5902 (b) determine which applicants qualify for receiving a grant; and

5903 (c) award the grant funds in accordance with the process established under Subsection  
5904 (1) and in accordance with Section 63N-16-301.

5905 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
5906 broadband center may make rules to administer the grant program.

5907 Section 139. Section **72-1-209** is amended to read:

5908 **72-1-209. Department to cooperate in programs relating to scenic centers.**

5909 The department shall cooperate in planning and promoting road-building programs into  
5910 the scenic centers of the state and in providing camping grounds and facilities in scenic centers  
5911 for tourists with:

5912 (1) the Governor's Office of Economic [~~Development~~] Opportunity;

5913 (2) other states;

5914 (3) all national, state, and local planning and zoning agencies and boards;

5915 (4) municipal and county officials; and

5916 (5) other agencies.

5917 Section 140. Section **72-4-302** is amended to read:

5918 **72-4-302. Utah State Scenic Byway Committee -- Creation -- Membership --**  
5919 **Meetings -- Expenses.**

5920 (1) There is created the Utah State Scenic Byway Committee.

5921 (2) (a) The committee shall consist of the following 13 members:

5922 (i) a representative from each of the following entities appointed by the governor:

5923 (A) the Governor's Office of Economic [~~Development~~] Opportunity;

5924 (B) the Utah Department of Transportation;

5925 (C) the Department of Heritage and Arts;

5926 (D) the Division of Parks and Recreation;

5927 (E) the Federal Highway Administration;

5928 (F) the National Park Service;

5929 (G) the National Forest Service; and

5930 (H) the Bureau of Land Management;

5931 (ii) one local government tourism representative appointed by the governor;

5932 (iii) a representative from the private business sector appointed by the governor; and

5933 (iv) three local elected officials from a county, city, or town within the state appointed  
5934 by the governor.

5935 (b) Except as provided in Subsection (2)(c), the members appointed in this Subsection  
5936 (2) shall be appointed for a four-year term of office.

5937 (c) The governor shall, at the time of appointment or reappointment for appointments  
5938 made under Subsection (2)(a)(i), (ii), (iii), or (iv) adjust the length of terms to ensure that the  
5939 terms of committee members are staggered so that approximately half of the committee is  
5940 appointed every two years.

5941 (3) (a) The representative from the Governor's Office of Economic [~~Development~~]  
5942 Opportunity shall chair the committee.

5943 (b) The members appointed under Subsections (2)(a)(i)(E) through (H) serve as  
5944 nonvoting, ex officio members of the committee.

5945 (4) The Governor's Office of Economic [~~Development~~] Opportunity and the  
5946 department shall provide staff support to the committee.

5947 (5) (a) The chair may call a meeting of the committee only with the concurrence of the  
5948 department.

5949 (b) A majority of the voting members of the committee constitute a quorum.

5950 (c) Action by a majority vote of a quorum of the committee constitutes action by the  
5951 committee.

5952 (6) A member may not receive compensation or benefits for the member's service, but  
5953 may receive per diem and travel expenses as allowed in:

5954 (a) Section 63A-3-106;

5955 (b) Section 63A-3-107; and

5956 (c) rules made by the Division of Finance according to Sections 63A-3-106 and  
5957 63A-3-107.

5958 Section 141. Section 72-7-504 is amended to read:

5959 **72-7-504. Advertising prohibited near interstate or primary system -- Exceptions**  
5960 **-- Logo advertising -- Department rules.**

5961 (1) As used in this section, "specific service trailblazer sign" means a guide sign that  
5962 provides users with business identification or directional information for services and eligible  
5963 activities that are advertised on a logo advertising sign authorized under Subsection (3)(a)(i).

5964 (2) Outdoor advertising that is capable of being read or comprehended from any place  
5965 on the main-traveled way of an interstate or primary system may not be erected or maintained,  
5966 except:

5967 (a) directional and other official signs and notices authorized or required by law,  
5968 including signs and notices pertaining to natural wonders and scenic and historic attractions,  
5969 informational or directional signs regarding utility service, emergency telephone signs, buried  
5970 or underground utility markers, and above ground utility closure signs;

5971 (b) on-premise signs advertising the sale or lease of property upon which the  
5972 on-premise signs are located;

5973 (c) on-premise signs advertising major activities conducted on the property where the  
5974 on-premise signs are located;

5975 (d) public assembly facility signs;

5976 (e) unified commercial development signs that have received a waiver as described in  
5977 Section 72-7-504.6;

- 5978 (f) signs located in a commercial or industrial zone;
- 5979 (g) signs located in unzoned industrial or commercial areas as determined from actual
- 5980 land uses; and
- 5981 (h) logo advertising under Subsection (3).
- 5982 (3) (a) The department may itself or by contract erect, administer, and maintain
- 5983 informational signs:
- 5984 (i) on the main-traveled way of an interstate or primary system, as it existed on June 1,
- 5985 1991, specific service signs for the display of logo advertising and information of interest,
- 5986 excluding specific service trailblazer signs as defined in rules adopted in accordance with
- 5987 Section 41-6a-301, to the traveling public if:
- 5988 (A) the department complies with Title 63G, Chapter 6a, Utah Procurement Code, in
- 5989 the lease or other contract agreement with a private party for the sign or sign space; and
- 5990 (B) the private party for the lease of the sign or sign space pays an amount set by the
- 5991 department to be paid to the department or the party under contract with the department under
- 5992 this Subsection (3); and
- 5993 (ii) only on rural conventional roads as defined in rules adopted in accordance with
- 5994 Section 41-6a-301 in a county of the fourth, fifth, or sixth class for tourist-oriented directional
- 5995 signs that display logo advertising and information of interest to the traveling public if:
- 5996 (A) the department complies with Title 63G, Chapter 6a, Utah Procurement Code, in
- 5997 the lease or other contract agreement with a private party for the tourist-oriented directional
- 5998 sign or sign space; and
- 5999 (B) the private party for the lease of the sign or sign space pays an amount set by the
- 6000 department to be paid to the department or the party under contract with the department under
- 6001 this Subsection (3).
- 6002 (b) The amount shall be sufficient to cover the costs of erecting, administering, and
- 6003 maintaining the signs or sign spaces.
- 6004 (c) (i) Any sign erected pursuant to this Subsection (3) which was existing as of March
- 6005 1, 2015, shall be permitted as if it were in compliance with this Subsection (3).
- 6006 (ii) A noncompliant sign shall only be permitted for the contract period of the
- 6007 advertising contract.
- 6008 (iii) A new advertising contract may not be issued for a noncompliant sign.

6009 (d) The department may consult the Governor's Office of Economic [~~Development~~]  
6010 Opportunity in carrying out this Subsection (3).

6011 (4) (a) Revenue generated under Subsection (3) shall be:

6012 (i) applied first to cover department costs under Subsection (3); and

6013 (ii) deposited [~~in~~] into the Transportation Fund.

6014 (b) Revenue in excess of costs under Subsection (3)(a) shall be deposited [~~in~~] into the  
6015 General Fund as a dedicated credit for use by the Governor's Office of Economic  
6016 [~~Development~~] Opportunity no later than the following fiscal year.

6017 (5) Outdoor advertising under Subsections (2)(a), (f), (g), and (h) shall conform to the  
6018 rules made by the department under Sections [72-7-506](#) and [72-7-507](#).

6019 Section 142. Section **79-4-1103** is amended to read:

6020 **79-4-1103. Governor's duties -- Priority of federal property.**

6021 (1) During a fiscal emergency, the governor shall:

6022 (a) if financially practicable, work with the federal government to open and maintain  
6023 the operation of one or more national parks, national monuments, national forests, and national  
6024 recreation areas in the state, in the order established under this section; and

6025 (b) report to the speaker of the House and the president of the Senate on the need, if  
6026 any, for additional appropriations to assist the division in opening and operating one or more  
6027 national parks, national monuments, national forests, and national recreation areas in the state.

6028 (2) The director of the Outdoor Recreation Office, created in Section [63N-9-104](#), in  
6029 consultation with the executive director of the Governor's Office of Economic [~~Development~~]  
6030 Opportunity, shall determine, by rule, the priority of national parks, national monuments,  
6031 national forests, and national recreation areas in the state.

6032 (3) In determining the priority described in Subsection (2), the director of the Outdoor  
6033 Recreation Office shall consider the:

6034 (a) economic impact of the national park, national monument, national forest, or  
6035 national recreation area in the state; and

6036 (b) recreational value offered by the national park, national monument, national forest,  
6037 or national recreation area.

6038 (4) The director of the Outdoor Recreation Office shall:

6039 (a) report the priority determined under Subsection (2) to the Natural Resources,

6040 Agriculture, and Environment Interim Committee by November 30, 2014; and  
6041 (b) annually review the priority set under Subsection (2) to determine whether the  
6042 priority list should be amended.  
6043 Section 143. **Repealer.**  
6044 This bill repeals:  
6045 Section **63C-10-101, Title.**  
6046 Section **63C-10-102, Governor's Rural Partnership Board -- Creation --**  
6047 **Membership -- Vacancies -- Chairs -- Expenses.**  
6048 Section **63C-10-103, Duties.**  
6049 Section **63N-1-501, Governor's Economic Development Coordinating Council --**  
6050 **Membership -- Expenses.**  
6051 Section **63N-1-502, Council powers and duties.**  
6052 Section **63N-3-108, Financial assistance to companies that create economic**  
6053 **impediments.**  
6054 Section **63N-3-109.5, Financial assistance to entities offering economic**  
6055 **opportunities in the nonattainment area.**  
6056 Section **63N-3-201, Title.**  
6057 Section **63N-3-202, Purpose.**  
6058 Section **63N-3-203, Definitions.**  
6059 Section **63N-3-205, Business team consultants.**  
6060 Section **63N-3-301, Title.**  
6061 Section **63N-3-302, Purpose.**  
6062 Section **63N-3-303, Definitions.**  
6063 Section **63N-3-304, Establishment and administration of business resource centers**  
6064 **-- Components.**  
6065 Section **63N-3-305, Duties and responsibilities of a business resource center.**  
6066 Section **63N-3-306, Advisory group.**  
6067 Section **63N-3-307, Office duties.**  
6068 Section **63N-12-501, Definitions.**  
6069 Section 144. **Appropriation.**  
6070 The following sums of money are appropriated for the fiscal year beginning July 1,

6071 2021, and ending June 30, 2022. These are additions to amounts previously appropriated for  
6072 fiscal year 2022. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures  
6073 Act, the Legislature appropriates the following sums of money from the funds or accounts  
6074 indicated for the use and support of the government of the state of Utah.

6075 ITEM 1

6076 To Economic Development - Business Development

6077 From General Fund \$842,100

6078 Schedule of Programs:

6079 Corporate Recruitment and Business Services \$767,100

6080 Outreach and International Trade \$75,000

6081 ITEM 2

6082 To Economic Development - Administration

6083 From General Fund, One-time \$75,000

6084 Schedule of Programs:

6085 Administration \$75,000

6086 ITEM 3

6087 To Legislature - Senate

6088 From General Fund \$3,200

6089 Schedule of Programs:

6090 Administration \$3,200

6091 ITEM 4

6092 To Legislature - House of Representatives

6093 From General Fund \$3,200

6094 Schedule of Programs:

6095 Administration \$3,200

6096 Section 145. **Effective date.**

6097 This bill takes effect July 1, 2021.

6098 Section 146. **Revisor instructions.**

6099 The Legislature intends that the Office of Legislative Research and General Counsel, in  
6100 preparing the Utah Code database for publication, make the following changes in any new  
6101 language added to the Utah Code by legislation passed during the 2021 General Session:

6102 (1) replace "Governor's Office of Economic Development" with "Governor's Office of  
6103 Economic Opportunity"; and

6104 (2) replace "GOED" with "the GO Utah office".

6105 Section 147. **Coordinating H.B. 348 with H.B. 356 -- Superseding technical and**  
6106 **substantive amendments.**

6107 If this H.B. 348 and H.B. 356, Rural Economic Development Tax Increment Financing,  
6108 both pass and become law, it is the intent of the Legislature that the amendments to Subsection  
6109 63N-2-104(3)(c) in H.B. 356 supersede the amendments to Subsection 63N-2-104(3)(c) in this  
6110 bill when the Office of Legislative Research and General Counsel prepares the Utah Code  
6111 database for publication.